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CONDITION AND PROSPECTS OF THE TREASURY.

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WAR, whether for the right or for the wrong, is always to be deplored. The loss of life, the economic waste occasioned by the transfer of thousands of active workers from the fields of production to those of devastation, the restriction of domestic industrial development, the derangement and perils of ocean-borne commerce and a thousand other unnamed evils cry out loudly for the settlement of international disputes by peaceful means. And yet few wars have been fought that have not contributed their share of good to mankind. There is usually some great cause involved, and whoever is victor wins a principle for the future guidance of a people. Only a generation ago, we found it necessary to make a tremendous sacrifice of this kind. Thousands of brave men gave their lives; millions of property were laid waste or expended for the establishment of a great principle.

Our recent conflict with Spain has a deeper meaning than may be generally apprehended. We were easily victorious on land and on sea, and by the achievements of a short campaign demonstrated to all the world the fact that this Republic, but little over a century old, must henceforth, if it had not been before, be regarded as a power of the first magnitude. The demonstration of this fact was a gain beyond our purpose. It had been intended

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only to remove a serious menace to our tranquillity by putting an end to a near-by disturbing conflict. The hopelessness of Spain's effort to subdue her refractory colonies was evident. The determination of her rebellious subjects to continue their equally hopeless struggle was also apparent. To end such strife was the thing desired and attained. But aside from the prestige won and purpose fulfilled, something else was gained, though not so evident. It is represented by the subtle influences which have been engendered in the minds of the people. There has been awakened a keener interest in the problems of free government. These problems are not essentially different from those which confront other nations. They, as well as we, must conduct themselves as becomes members of the family of nations. Upon them, as upon us, rests the obligation to maintain domestic peace and order. Upon them, as upon us, falls the burden of taxation to provide revenues with which to carry on the many affairs of government. In short, all forms of government which exist to-day among civilized peoples are maintained for practically the same objects—only different methods for securing these objects are employed. In most other countries, the individual shares in the responsibilities of government not at all, or only to a limited degree. It is our boast that with us every individual is a citizen, not a subject, and that every citizen, being a part himself of the government of the Republic, has the attributes of sovereignty.

If it be true that every citizen is a sovereign, it must be taken to be so largely in a Pickwickian sense, for one person counts for little among seventy-five millions of people. It is when all these sovereign citizens, or the greater part of them, think with a single thought and are moved by the same aspirations, that the majesty of the Republic is revealed. Its mass, as represented by the united ambitions of its units, cannot fail to demonstrate the fact that here is an organization of gigantic strength—such strength as, turned to good, may work wonders for civilization, but, given over to vicious and evil tendencies, may likely invite such havoc as the world has never seen. Its capacity for good or evil is unlimited, and there must be great care taken that this Samson among the nations of the earth be not blind, lest he pull down the temple of State upon himself. Then, whatever happens to increase the intelligent interest of our people in the affairs of government, whatever occurs to arouse the public mind to a con-

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sciousness of the responsibility of participation in government, must be counted as of great good.

Not the least of the gains, therefore, which may be said to have come to us from the war with Spain, has been the quickening which its events gave to the public conscience. It is true, to a large extent, that this newly-aroused interest was devoted to things which come under the jurisdiction of the War and Navy Departments. The victories of Manila and Santiago revived patriotism, and the movements of fleets and armies were watched with keen appreciation. Every act, whether by Congress or by the President, that went to reinforce and support the national fame and honor, was approved. Where there was confusion and delay there was criticism. There has been much of fault-finding. Where the liberties and privileges of the citizen are as free as with us, there always will be. It is to be invited, too, not only that defects in our plans and practice may be pointed out and remedied, but because it is an evidence of genuine interest in public affairs. On the other hand, whatever there has been of praise has been nobly earned and generously accorded.

Deep as has been the interest taken in the military and naval operations of the Government, the affairs of the Treasury have by no means been neglected in the public mind. Interest in the Government's finances furnished one of the gratifying features of the war, and the position, prospects and problems of the Treasury are to-day the subject of a keener comprehension as the result of this awakened public sentiment. A continuance of this greater concern in these problems will bring better understanding, with the result that, supported by an intelligent public opinion, we may avoid the dangers which have in former years been a menace to national credit and the prosperity of our country.

The importance of a well-filled Treasury as an element in war, needs scarcely any demonstration. It is the *sine qua non*, especially of modern warfare. Perhaps the Treasury's claim to distinction in this regard has never been better put than in the language of the War Minister of Louis XI. of France, who, in response to a question of that monarch, declared that to prosecute a war successfully, "three things are necessary—money, more money, always money." The first of these three things, the Treasury of the United States had in comparative abundance at the breaking out of hostilities with Spain; that is, it had, April

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21, 1898, no less a sum, available cash on hand, than 220 millions of dollars; and for the second and third things, "more money" and "always money," it had the resources and revenue-producing capacity of the richest nation in the world.

Not the least of things which contributed to a strong Treasury situation at this critical period of war was the fact that, of the available cash balance above mentioned, more than 80 per cent., or $180,000,000, was in gold. This margin of $80,000,000, above the traditional $100,000,000 required to be maintained for the redemption of United States notes, gave assurance of the Government's ability to preserve the national credit until Congress could, by the necessary legislation, provide for replenishing the reserves as rapidly as they were exhausted by the expenditures of the war.

With the closing month of 1897, the country congratulated itself upon the fact that receipts exceeded expenditures,—the first monthly surplus under the Dingley tariff. Again there was a surplus in February, 1898, notwithstanding the shock to the business of the country from the appalling loss which the nation suffered through the destruction of the "Maine" and its crew in Havana, on February 15th. It seemed certain that, at last, recovery had come from the abnormally heavy importations of the previous spring in anticipation of higher tariff rates, and it was confidently believed by those most familiar with the subject that the national Treasury was about to participate in the general improvement which the country was enjoying. The full tide of business was bringing in its train better conditions for the Treasury, and we looked forward hopefully to the time when every month's statement would show an excess of receipts over expenditures. The Treasury being thus strongly fortified with ample funds for immediate use, and the revenues showing marked improvement, the war came upon us with scarcely a fear. There was a little momentary unrest, but nothing suggestive of a panic, in the great money centers of the country. Throughout the land there was an abiding faith that the integrity of our financial institutions would be preserved. It was generally recognized that the administration in power would maintain inviolate the credit of the United States.

The disposition of Congress to do with expedition all things required was an important factor in establishing general confi-

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dence. Before war had been declared, and while there was yet hope that it might be averted, Congress, at the suggestion of the Executive, promptly, and without debate, appropriated $50,000,000 for the national defense. Before two months of strife had passed, ample provision had been made for raising war revenues by a measure which, in many respects, was an example of scientific financiering. It authorized the Secretary to borrow, upon the credit of the United States, $400,000,000, for which bonds were to be issued, and for the purpose of equipping the Treasury with an instrument which might be relied upon for immediate uses, it authorized him to issue loan certificates to the amount of $100,000,000. At the same time, recognizing the true principle of public financiering, it levied additional taxes with which to pay the increased indebtedness thus incurred. The temper of the people under these fortunate conditions was admirably illustrated by the success which attended the floating of the war loan of $200,000,000. When the books of the loan were opened to receive subscriptions, there was a rush which continued during the month in which they were received. The total of fourteen hundred million dollars subscribed is a monument to the confidence the people had in the financial strength of the Government. This exhibition of resources must have been scarcely less disheartening to our impoverished antagonist than was the destruction of her fleets. The success of the national loan thus became a factor—not quite so thrilling, perhaps, as the victories won by the army and the navy, but hardly less potent—in bringing the war to a speedy termination.

When hostilities ceased, the Treasury occupied a stronger position than at the beginning of war; when peace was formally declared, April 11, 1899, almost a year after the declaration of war, its strength in available cash and gold had grown materially. While it held, April 21, 1898, $220,000,000 in cash, it held April 11, 1899, $282,000,000. From the one date to the other the net gold increased from $180,000,000 to $245,000,000. In the meantime there had been expended on account of the war over $240,000,000; so that the proceeds of the war loan have been entirely disbursed and $40,000,000 of the revenues besides. So much for the year of war, during which, fortunately, the condition of the Treasury has not been a disturbing element to the business of the country.

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What of its prospects? Reasonably, these cannot be foretold for any long period of time. At the beginning of the last session of Congress, when the Secretary of the Treasury made his annual report on the state of the finances, he estimated that the end of the fiscal year, June 30, 1899, would find the Treasury with a deficit of $112,000,000. During the year the receipts have been augmented to the extent of $11,800,000 on account of the Central Pacific settlement. On the other hand, disbursements of extraordinary character have taken place which were not considered in the estimates submitted to Congress, namely, the Philippine payment of $20,000,000 to Spain and $3,000,000 to the Cuban army. It will be proper, therefore, to take no account of either of these items. Putting them aside, it seems certain, with only so short a time remaining until the fiscal year is ended, that the estimated deficit of $112,000,000 above set forth will not be exceeded. Should we escape the occurrence of unforeseen events, that estimate may prove to be too high by a million or so of dollars. The accuracy of this estimate is not fortuitous. It is indicative of the close attention which the Treasury Department is able to devote to the finances, and is in strong contrast to the extravagant predictions made in Congress near the close of the last session. It will be recalled that much trepidation resulted then from the practically official announcement of an expected deficit of $159,000,000, and this sum was added to by others. At the time when the deficit was estimated for the year to end June 30, 1899, the Secretary of the Treasury submitted an estimate covering the fiscal year to end June 30, 1900, amounting to $30,000,000 for that year. It seems certain now, barring always, of course, the happening of unlooked-for events, that the deficiency for the next fiscal year will not exceed the estimate. In fact, under the influence of revenues slightly more favorable than those expected, there is a probability that the estimated $30,000,000 deficit may be too high, and it is within the possibilities that there may be no deficit at all. In the light of this showing, there will be no further issue of bonds, and, judging from present conditions and the fair outlook, there will not even be a resort to the loan certificates authorized to be issued by the war revenue act. If occasion should demand, and none is anticipated, the Secretary of the Treasury would doubtless exercise the authority referred to.

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But other occasions, too recent and too trying to be easily forgotten, have shown that these fortunate conditions in and out of the Treasury cannot always be assured to us. Under the system which now obtains, a close intimacy has been evolved between Government finances and general business affairs.

In Great Britain, France, and Germany, the connection between commercial activities and the national budget is slight. Here, every man carrying the responsibilities of large enterprises, whether in commerce or industry, has been taught by sad experience that his best estimates as to future conditions may be at any time nullified by perturbations in the Treasury, caused either by falling revenue, extraordinary expenditures, or currency movements which threaten the "gold reserve." He is thus exposed to double risks. He is always sailing his imperilled craft between the Scylla of commercial hazard and the Charybdis of national finances. Looked at in a large way, the perils and losses arising from the latter exceed those occasioned by the former, although not so readily recognized and traced. Thus it frequently happens that doubts assail and threatened disaster undermines the whole industrial and commercial fabric. The experience of the past is replete with unhappy evidences of this truth. The effect on the Treasury and the business of the country of the Venezuelan boundary controversy, to be referred to later, furnishes a striking example. The possibility of war with a great world Power subjected the Treasury's gold to attack, and put all trade and industry at a stand-still. This is an extreme case, perhaps, and yet only two years before, from causes far less potent, the Treasury tottered on the verge of ruin and the country faced appalling disaster. Above, brief mention has been made of the remarkable success attending our last issue of bonds—those of the war loan of 1898—when the Government opened its books to subscriptions for two hundred millions of dollars, and, being actually at war, received offers from the people aggregating the enormous sum of fourteen hundred millions. Only so late as January, 1894, when we were at peace with all nations, and there was no prospect, near or remote, of war, the Government of the United States went begging almost in vain for financial assistance. During and following the panic of 1893, grave doubts as to our financial integrity had arisen. Apprehension existed, both in this country and abroad, as to our ability to continue, under the exist-

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ing currency system, the redemption of Government notes in gold, and there was a not unreasonable fear that the time had arrived when we could no longer maintain the parity between that metal and silver. Withdrawals of gold from the Treasury during the fiscal year which ended June 30, 1893, aggregated $108,000,000. Throughout the following year the Treasury stock of gold continued to be depleted mainly by the presentation of notes for redemption. By January 31, 1894, the gold reserve had fallen to $65,650,000, and the available cash in the Treasury to only $84,082,000.

The situation was desperate. A constantly decreasing supply of gold foreboded descent to a silver basis. In this extremity, the Government asked the people to subscribe for its bonds. Indeed few there were who felt called upon to face what seemed certain loss by subscribing to the loan of fifty millions, the first of the series under the administration of President Cleveland utilized to support and maintain the national credit. The loan was to close February 1, 1894. As that day approached, it seemed almost inevitable that the effort would be a failure. My predecessor, in an official report, said: "At one time pending the call it was feared that the effort would fail. However, owing to extraordinary exertions made during the last two or three days preceding the time when the bids were to be opened, subscriptions for the whole amount were secured." The extraordinary exertions referred to deserve to be chronicled among the patriotic deeds which enrich this country's history. The bonds had been offered to the public at an upset figure of 117.223, at which price they were equivalent to a three per cent. bond at par. How little acceptable they were to the public is shown by the fact that, except for the action of the patriotic banks of New York, the people took of them only $9,295,300. When it became known in New York that the loan was likely to fail, Mr. John A. Stewart, President of the United States Trust Company, went around among the bankers of that city and aroused them to a sense of the country's peril. As an actual witness of those events, I bear testimony to the fact that there was a strong disinclination to subscribe, owing to the grave uncertainties of the times. In the end, Mr. Stewart secured pledges from as many persons as were needed to take the entire issue at the Government's price. In this manner, $40,704,700 of the $50,000,000 offered were taken by the

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banks of New York, the other $9,295,300 going to those who had subscribed at slightly higher rates. Such was the perilous position of the National Treasury only five years ago, and thus was the country saved from the wide-spread ruin imminent.

The close relationship existing between our Government finances and commercial and industrial conditions suggests the inquiry as to what the Treasury Department really is. In a recent work ex-President Harrison says:

> "Out of the devices adopted to meet the great expenditure for the suppression of the Rebellion in 1861, it has come to pass that the Government furnishes, either directly or through the national banks, all of the money used by the people. The Treasury Department is now a great bank, and no longer a mere public collecting and disbursing agency. It prints paper money, pays it out for public uses, receives it in payment of customs duties and internal taxes, and pays it out again for salaries, supplies and public works. It is also required to redeem the greenbacks and Treasury notes—to give coin in exchange for them if demanded."

To call the Treasury Department a great bank, however, is to use a misnomer. A bank receives deposits of money subject to the drafts of its dealers. It buys and sells exchange; that is to say, it makes payment for property and products at one point against an order for its reimbursement at some distant point, either foreign or domestic. The bank extends its credit to the use of the producer, the manufacturer and the merchant. It thus serves as a vital agent in modern industry. Through its operation the use of money and capital is economized, and by its aid the work of the world is made more effective. The offices and function thus briefly set forth, constitute the principal features characteristic of a bank, and yet the Government exercises not one of them. It is true that in the evolutionary movement which has resulted in the modern machinery of business, such as the express company, the telegraph and the bank, the latter came, in the fullness of time, to exercise a function not named in the summary above made. That function was to issue in small denominations suitable for the needs of the bank's dealers, the bank's own notes or promises to pay. These notes were in essence a check or draft issued by the bank itself, payable to the bearer on demand. It is this function which has been practically monopolized by the Government, and from which, by repressive taxation, the bank has been substantially inhibited.

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It is important to keep these facts and these distinctions in mind. They have directly to do with the subject we are considering. While it would now appear that, in issuing its notes and in paying them out for public uses (Government expenses), redeeming them again in coin on presentation, or receiving them in payment for moneys due to itself, the Treasury is doing in some particulars what a "great bank" would or might do, looked at more closely, however, it will be easily seen that even here the points of contrast are more marked than are the points of resemblance.

When the bank issues its note, it is against the delivery to it of some form of value which will remain in the bank's control while the note is outstanding, and which can be made effective for the note's redemption. When the Government issues its note, it is in payment for goods or services already received and consumed. These goods and services, having been consumed in the public service, do not and cannot remain as an existing value available for the redemption of the issued note. The bank loans its notes for the accommodation of, or to meet the needs of, the business public. The Government issues its notes to pay its bills without regard to the needs of the business public. With an increase in bank issues the bank increases *pari passu* its resources. Its power to redeem its obligations remains, therefore, relatively the same. With an increased issue of Government notes, if issued in conformity with the principle underlying those now outstanding, no addition whatever is made to the Treasury's resources. With every increased issue, therefore, its power to redeem becomes relatively less. There is a resemblance between the bank note and the Government note—both are promises to pay, both are used as agents of exchange between the buyer and the seller, and here the resemblance ends. But there is another and distinct quality imparted by law to the Government note. It is a legal tender for all private debts. Being a legal tender, its relation to the business community becomes of the most intimate kind and of the very highest importance. As efficient as gold in the money reserves and in payment of debt, it must be maintained as good as gold, through prompt redemption in gold, by its issuer, or the whole credit structure, public and private, will fall into chaos.

With confidence undoubted in the purpose and power of the Government to maintain such redemption under any and all conditions and circumstances, the great interlacing system of credit

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operates in the field of industry and commerce with a sense of security. Disturb the confidence in any manner, raise doubt either as to the purpose or power of the Government in the direction in question, and the whole credit structure is shaken to the center. We have illustrations of this truth, not far removed as to time. Their record can be found in the financial history of 1893 and between the months of July and November, 1896. Another can be brought forward—more likely to be repeated in essential form and substance than are the other two. I refer to the effect of President Cleveland's Venezuelan message of December 17, 1895. The business interests of the country had for some months previous thereto given evidences of a partial recovery from the debilitating effects of the panic of 1893. Capital was again seeking investment. Industry was reviving. Labor was coming into larger and more remunerative employment. The message referred to brought the country face to face with the possibilities of a great war. A war, either great or small, was a responsibility that the national Treasury was not then at all prepared to meet. The gold in the Treasury was twenty-five millions below the one hundred millions which was supposed to stand as a reserve for the outstanding legal-tender notes. The total available cash in the Treasury, including the gold reserve, was only one hundred and seventy-five millions, and seventy-two millions of this consisted of the government's own notes; while it had outstanding liabilities payable on demand of more than four hundred millions.

There has never been any doubt since the close of the civil war as to the ability of the nation to raise all needful revenue, either for conditions of peace or war. The power to obtain revenue is the basis of national credit, for it is from revenue alone that interest and principal can finally be paid. The money of the world is open to the credit of the United States of America, and justly so, since, even if our present interest-bearing debt were a thousand millions greater than now, the increased interest charge could be met at a cost of less than forty cents *per capita* per annum. The debt of the United States, June 30, 1880, less cash in the Treasury, was $1,922,517,364. On June 30, 1890, it had been reduced to $891,960,104. To use the language of the Census report, this represented "a decrease of $1,030,557,260, or more than $100,000,000 per annum, a reduction of debt through voluntary taxation unprecedented in the history of the world."

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Nevertheless, the gravity of the political situation in 1895, brought on a recurrence of the evils produced by the reaction of 1893. Why was this so? It was so because of the weak condition of the public Treasury in relation to its demand liabilities. A fear was felt, genuine and wide-spread, that if war came, specie payment would be suspended at the Treasury. Now a suspension of gold payments by the Treasury is a much more important matter and of deeper general concern than a suspension of such payments by the banks. In the first place, with a large volume of legal-tender notes outstanding, a suspension of payment by the government involves, as a consequence, a suspension of coin payment by the banks. Compelled by law to receive government notes in payment of debts due them, they are compelled in turn to force a similar payment upon their creditors. What is true of the banks is equally true of all members of the community in their relations one to another as debtor and creditor. Thus the suspension of coin payment becomes general, gold commands a premium, being qualified not only to pay debts but also to command goods, upon better terms as to price, in the world's market, than are the defaulted notes of the government or the banks.

Again, there is no power anywhere lodged that can compel the Government to resume payments once suspended. There is not even the penalty of interest to induce efforts to resume. Its action is likely to be more largely influenced by political than economic considerations.

In the absence of legal-tender paper money, a suspension of specie payments by the banks does not carry with it these serious consequences. Such a suspension cannot take place and long endure, unless sanctioned by law. Over the bank is the authority of the law, and its processes can be invoked by any dissatisfied creditor to compel payment in lawful money. Nor does such a suspension, if general, seriously hurt the credit of the bank. In fact, under the admirable system which is maintained by our neighbor on the north, the notes of a Canadian failed bank are worth more than those of a solvent one. When a Canadian bank fails, its notes go to a premium because from the date of failure they begin to draw interest, while their final redemption is adequately secured. Specie payments were suspended for a period in 1857 in the United States, but the banks continued to do business as usual, bank notes being the medium of receipts by the banks

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and of payments from the banks. During this period of suspension, however, gold never reached any appreciable premium. Whenever it was needed for special purposes, or whenever it was demanded by an irreconcilable creditor, it was forthcoming. In support of this general proposition, the conduct of the Bank of France through the German war of 1870-71 can be cited with even greater effect. That bank is the largest note-issuing bank in the world. It was obliged to suspend payment in specie, yet its general credit was not seriously affected. Gold commanded a premium of not more than 2½ per cent. With the close of the war it promptly resumed payments in specie, having faithfully served commercial interests in the interim, besides advancing to the Government the enormous sum of two hundred and eighty millions. Well might Thiers, the first President of the new Republic, say: "The bank saved us because it was not a bank of State." When we recall that during our struggle of '61 to '65, our Government notes fell to the value of forty cents measured in gold, the contrast raises doubt as to our financial wisdom.

Space forbids a more extended presentation of the subject. The position of the Treasury is at present fairly good; the prospects for the immediate future are free from any features of special alarm; its problems remain to be solved. The chief problem is this, How to disassociate the natural function of the Treasury, which, simply stated, is the collection of the public revenue and the payment of public expenditure, from the unnatural features of note issues, gold redemptions, and the maintenance of a parity between two large volumes of metallic money, possessed of a commercial disparity equal to the difference between one-half and one. The duties involved in the present system the Treasury is poorly organized to perform. The effort to perform them will always be expensive and full of dangers to interests both public and private. A wider knowledge of the truth must be had before the problem can be wisely solved. Solved it ultimately must be, and when this occurs the Treasury may return to a position approximating what President Harrison described as an ideal one when he said: "It would be an ideal condition of things if the Treasury Department received each morning just the sum of money it had to pay out that day—no surplus money out of use in its vaults, no deficit to be met by loans."

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ISRAEL AMONG THE NATIONS.

BY MAX NORDAU.

I.

If the eyes be not purposely closed to facts, it cannot be denied that, at the close of the nineteenth century, there is in every land of the civilized world a "problem of the Jew." It is a question which presents itself in various phases. Its best known and most brutal form is Anti-Semitism. It is an easy matter —and a proper one —to say that this statement is "the disgrace of our times." Such has the noble Emperor Frederick III. called it. But the philosopher cannot rest content with this. He seeks to trace the psychological roots of Anti-Semitism.

The enemies of the Jew have one statement in instant readiness: "The Jews are hated because of their evil qualities." But this statement will not bear criticism. It voices a certain *naïve* self-deception, among those who hate instinctively at first, and then seek for plausible and rational grounds upon which to justify the sentiment to their own conscience.

The effort to find apparently reasonable grounds for antecedent emotions, whose real origin remains obscured to consciousness, is a very common psychological phenomenon. Folklore knows this, and illustrates it by the proverb: "If a dog's to be drowned, he is called mad." The Jews are not hated, because they have evil qualities: evil qualities are sought for in them, because they are hated. Statistics, handled, not by Jews, but by their opponents, demonstrate facts in all countries that favor the Jew, even in countries where the Jew is under the greatest legal restraints, and where he could plead mitigating circumstances, if he developed the vices of the Helot and the Pariah. Criminality is less among them everywhere than it is among their compatriots of other races;

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and it would be reduced almost to the vanishing point if it were possible to exclude professional misdemeanor, such as fraudulent bankruptcy and deception, in which they are concerned—since they are predominantly tradesmen—to a larger extent than their percentage to the population would indicate, but to a less extent than their percentage to the trading classes. The worst and most despicable crimes, murder, manslaughter, violation of the sexual code, robbery and burglary are scarcely ever committed by Jews. They have a smaller death rate, a larger number of marriages and a smaller number of divorces than the average. They have a larger representation in High Schools and Normal Schools, where their entrance to such institutions is not restricted (in Russia and Roumania it is restricted, as is known), than corresponds to their relative numerical proportion in a nation, or even in a metropolis. Where is the justification of belief in the existence of evil qualities in a group of inhabitants, who obey more strictly the laws of the state, of hygiene, of morals, and who show a more pronounced desire for higher culture, than the average of the people among whom that group has been formed? Or do "evil qualities" refer to the love of ostentation, with which the wealthy Jew is frequently upbraided? Let it be assumed—though I do not admit—that the Jewish *parvenu* is more importunate and offensive than those of other races; that would be an indication of a lack of culture, of good taste and discretion, such as might possibly justify rejection by an exclusive club, but could never justify the deprivation of essential human and civic rights, vituperation and cruel persecution.

An argument frequently used by the opponents of the Jew is, that Anti-Semitism is as old as the Jewish nation; that, therefore, the Jews themselves must be responsible for a feeling which they have aroused at all times and in all lands. It is, indeed, true that hatred of the Jew has been his constant and tragic companion during the entire continuance of the Diaspora. But the fact proves nothing against the Jew, since every people, in every epoch, has produced a different reason, or rather pretext, for its Anti-Semitism. The old Roman accused the Jews of worshipping an idol with the head of an ass; they were said to be anarchists, enemies of the state and of the race. The Syrians and Hellenists hated them, because they would not worship the gods of Olympus; possibly also because, in the Alexandrian period, they spoke Greek

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with dialectic deviations, unmusical and annoying to the Grecian ear. In early mediaeval times, Jews were despised as murderers of God, upon whom rested a hereditary curse. Later, they were persecuted as infidels, as obdurate enemies of the Christian faith; as poisoners of wells. It was said that they butchered Christian infants, to use their blood for ritualistic purposes; that they stole the Host, and pierced the consecrated water with knives to torture it. Not only their religion, but their race was objectionable. A disgusting physical propensity (*foetor Judaicus*) was ascribed to them. To-day they are accused of being usurers, of plundering the people, of feeding on the fat of the land as parasites, of betraying the nations that give them hospitality.

Since the accusations against the Jews differ so materially, they cannot be ascribed to definite evil qualities. Pretexts change, but the hatred remains. Strange, that every charge made against the Jew is also laid against other minorities, when hated and persecuted by majorities. Slaughter of children for purposes of ritual was an accusation brought by the Romans against the early Christians, and by the Chinese of to-day against missionaries and Europeans in general. All arguments used against the Jew by Anti-Semitism are to be heard from the lips of Russians and Frenchmen in reference to German laborers living in those countries, and even from those of certain "City" people in reference to the "foreign clerk." In this we find the clew that leads us to the truth of the matter.

It is one of the original characteristics of man, that he senses as inimical all that differs from him in essence and in habits. It is enough that some one differs from us; we will then find him disagreeable to us, for he disturbs our organized habits and compels us to new efforts of adaptation, which are always burdensome and trying. If those who differ from us are a disappearing minority, we feel under no compulsion to suppress our antipathy, or even to screen it; and absence of restraint favors development. This is the generically human foundation of all enmity of the majority against a minority living in its midst, particularly if there be an element of tradition and other distinguishing traits about the minority. In the case of the Jews, there is added to this a survival of old religious hatred, and of the influence of the superstitious fables of the Middle Ages, in reference to the abuse of the Host and the murder of children for ritualistic purposes.

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Antipathy toward a differentiated minority brings it about that the majority always selects this minority as a scapegoat for all its own faults and mishaps. For it is another psychological law, that children, savages and those in civilized life who are devoid of judgment, hold as responsible for their sufferings, such creatures and objects as have aroused a sense of resentment in them. For this reason, the Jews were accused of poisoning wells during the prevalence of the Black Death; to-day agrarians maintain that the Jews force down the prices of grain; the laboring classes complain that the Jews destroy the opportunities of individual labor; the reactionists in European monarchies insist that the Jews are preparing for a revolution, and that they are organizing opposition to the government. Where there are no Jews, such social phenomena as cause suffering to one or more classes of people are arttributed to other groups which are hated; mostly to foreign, though occasionally to native, minorities, either sects or societies: as in France to Protestants and Free Masons, elsewhere to Jesuits, and so on. It is simply the anthropomorphism of displeasure. It proves nothing against the accused. It proves merely that their accusers hated them when suffering began, and that they were seeking for a scapegoat.

Anti-Semitism is not the whole problem of the Jew. It is only one part of it. The other part is the conception which the Jews themselves entertain in regard to their position among the nations, and to the future of Judaism.

It is natural that all Jews suffering under Anti-Semitism should desire to avoid it. The small number of wealthy Jews, who come into no personal contact with the sentiment—for, in point of fact, Anti-Semitism comes to a halt before the palace of the Jewish millionaire, even in Russia, Roumania and Galicia—represent a smiling optimism. This class of Jews are frequently heard to say: "Anti-Semitism is an unpleasant fad and will pass away rapidly, as do all fads." The mass of Jews, however, feel that this is false. Doubtless the mass have not yet recognized the matter clearly, along the line of the present explanation. But it has an instinctive and infallible premonition, that the root of Anti-Semitism is the natural antipathy of all men—even of all animals—against everything that differs from them; and that, consequently, Anti-Semitism will not cease, so long as the Jew is a readily recognizable minority among all nations.

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In order to suffer hatred and persecution no longer, in order to attain to normal conditions of life, the Jews must either cease being a minority, or they must cease being distinguishable. This alternative includes the two solutions of Judaism, for which the Jews themselves are striving.

On the one hand, there are those who desire to have the Jews constitute the popular majority in some one place. For historic and religious reasons they wish to make Palestine, the land of their fathers, that place. These are the Zionists. If Palestine were again peopled by Jews; if they could hold that land practically by and for themselves (and the present census of Palestine enumerates 600,000 inhabitants, this number including only 60,000 Jews, while there are more than 6,000,000 Jews in the world, who would instantly return to Palestine if that were made possible); then would they suffer no more from Anti-Semitism, they could develop there and enjoy life, as do other nations. And the Jews who do not return to Palestine would have to blame themselves, if they felt the sting of Anti-Semitism in the land of their sojourning; for they would have chosen their lot voluntarily, and could avoid painful situations by joining the great majority of their own race.

Other Jews prefer the second solution. They have no desire to become a distinctive nation on their own soil. They prefer to remain a small minority among their countrymen, but an indistinguishable minority. They are the Assimilationists, who consider the salvation of the Jew coincident with his disappearance among the nations. But few of these realize their position thoroughly, nor have they the moral courage to follow the thought to its logical conclusion. He who wishes to be thoroughly assimilated cannot stop half-way. He must suppress all differences that hold between himself and the popular majority. First and chief among these is religion. He must be baptized, and join one of the Christian denominations. He must purposely surrender the thought of racial inter-marriage, and mingle his blood with that of the people by marriage outside of tribal affinity. Then he can, indeed, cherish the hope that, after three or four generations, his Jewish origin will have been forgotten, and that his descendants will no longer suffer persecution at the hands of Anti-Semitism. If he does less, it will not suffice. It is impossible to remain a Jew and be spared the sense of the "Differentiated Minority."

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Nothing is gained by half-way concessions; by celebrating the Sabbath on the Christian Sunday; by excluding the Hebrew language from the Synagogue. By this means an imperfect minority is attained, which fails to make the Jew indistinguishable, but succeeds in making him grotesque. Incomplete assimilation does not change the psychological origin of Anti-Semitism, the antipathy of every majority toward any minority, dwelling in its midst, differentiated and readily recognizable.

II.

The contributions of the Jew to science and art have been repeatedly enumerated, most recently by M. Leroy-Beaulieu (*"Israel parmi les Nations"*. His contributions to the political life of civilized nations have scarcely been recognized. Here and there, possibly, reference is made to him in this connection, but it is always tinged by hatred of the Jew. The German Anti-Semitist, Paul Delagarde (*"Deutsche Schriften"*) detected in the franchise of the Jewish voter, even, a dread danger to the organic evolution of German politics. Eduard von Hartmann, author of the *"Philosophie des Unbewussten,"* a work whose brilliant rhetoric secured for it an undeserved renown, maintained (*"Des Judenthum in Gegenwart und Zukunft"*) that all Jews, without exception, belong to the Liberal party, and he concluded from this, that Jews take part in politics, not in the interest of their native land, but exclusively in the interest of their race, which could, of course, look for more powerful support to irreligious and non-historic Liberalism, than to Christian, patriotic Conversatism, rooted in the past history of the nation.

I will not stop to consider the absurdity of the objection, that all Jews are Liberal. It would be equivalent to the reproach, "All Jews strive to secure school-education," or "All Jews avoid drunkenness." But the statement of Eduard von Hartmann is actually false. It is a matter of regret that the Jews do not deserve his reproach, which would in reality be the greatest compliment that could be paid them. The majority of wealthy Jews are not Liberal, but Conservative, and partly even reactionary; and Eduard von Hartmann knows full well that the two baptized Jews, Leo and Stahl, furnished the ultra-Conservative feudal party of Prussia all the historical, philosophical and political thoughts and arguments upon which that party has lived for the

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past half century, and upon which it lives to-day. In the same way, it was the baptized Jew, Disraeli, who renewed the programme of the Tories in England, and secured for that Conservative party a new lease of life.

The truth is, that the Jews—with a single exception, which I will presently consider—are nowhere active in Jewish politics. In no country where the Jews enjoy political rights, is there a Jewish vote, in the sense in which the United States has a German or an Irish vote. The Jews who exercise their voting privileges belong entirely to the second category, of which I have spoken above, that is, to those who do not wish to be recognized as a distinctive group of the population. They therefore avoid anxiously everything that might call attention to their Judaism. They do not organize; they create no Jewish election committees; they seek to gain no control in campaigns. More than that. Whenever an election is actually in their own hands, they prefer to nominate a Christian, and only occasionally do they seek, in a shame-faced way, to obtain the concession from the party for which they vote, that a Jewish candidate be nominated in a non-Jewish precinct. The East End of London is the only example of which I know, where a Jewish majority has the courage to send a Jew to the House of Commons in a systematic fashion. It frequently happens, on the Continent, that Jews vote openly for pronounced Anti-Semitists.

By this cowardice they propose to show, how completely they have laid aside Judaism, and how fundamentally non-Jewish they feel. For, beyond the point of Anti-Semitism, a Jew cannot well carry his effort for assimilation with anti-Jewish people. During the general elections in France in 1898, many Jews voted for the most desperate Nationalists and Anti-Semitists, and the Jew, Klotz, permitted himself to be elected a delegate on a platform which contained the express provision, that a revision of the Dreyfus case should be opposed. In Berlin the Jews could carry several voting precincts, if they would organize; but they have never even presented a Jewish candidate. The Socialists, who are as yet no Anti-Semitists, did indeed elect the Jew Singer, but among those who voted for him, scarcely one-tenth were Jews; and he was nominated, not as a Jew by Jews, but as a Socialist, despite his Judaism, by Christian Socialists. In Galicia, the Jews constitute one-ninth of the

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inhabitants, or, more exactly, twelve per cent. But their share in the representation of the country is 2.8 per cent., less than one-quarter the percentage due them. In Algiers alone there is something resembling a Jewish vote, but it has proven a misfortune residing there. The "*Décret Crémieux*" in 1870 granted the Algerian Jew the rights of a French citizen, including the civic franchise. But these Jews had not as yet come into full contact with European culture, and were quite unprepared for the exercise of political rights. Thy followed their communal directors (*Gemeinde Vorsteher*) blindly, and these handled their ignorant co-religionists as voting-cattle, driving cynical bargains with them openly. They auctioned off their dependents to the highest bidder among the candidates, and the Jews voted to a man for their purchaser, to whom they had been sold at five and ten francs a head. The parties that were beaten by the Jewish votes became blood-thirsty Anti-Semitists, and brought about the present unpleasant conditions, which will presumably result in the repeal of the "*Décret Crémieux.*" In this solitary instance the Jews made use of a suddenly acquired, unaccustomed political right in dense ignorance, and according to the vile *dicta* of a few leaders, who abused their blind faith and made despicable returns for it. The few leaders reaped the profit; the Jews were seriously injured.

Whenever, therefore, the Jews have possessed political rights, they have never, as voters, placed those rights at the disposal of specific Jewish interests, but rather have they frequently served the interests of open enemies of the Jews, thinking that such lack of manhood, such cowardice, would furnish overwhelming evidence of a non-partisan sentiment.

Even less than Jewish voters, have Jewish electors ever furthered specifically Jewish politics. The only exception is that furnished by a group of members of the English Parliament, which forms the nucleus of the Anglo-Jewish Association. For years, these men have used their privileged position in the first Parliament of the world, and their personal influence with the government of their country, to interest their Christian compatriots in the sufferings of Jews in foreign lands, and in appealing to the British Lion for the protection of their persecuted brethren. These English representatives of the Jewish race have grown manly, frank and magnanimous, evidently by reason of their Anglo-Saxon training and the example of their Christian

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environment, and can be held up as an example for imitation to the Continental cowards, who grow pale at the thought that their Judaism might be noticed. Of course, the good results which could be obtained by the Anglo-Jewish Association for the persecuted Jews have been limited. They could aid their co-religionists by means of the influence of the British government in the smallest and weakest countries only, and they avoided, with laudable discretion, any solicitation for the aid of English diplomacy in cases where an intervention on the part of England would bring that country into conflict with a powerful opponent. For the Jews of Russia, Roumania, Galicia and Algiers, this sentiment of solidarity on the part of the brave Anglo-Jewish members of Parliament could do nothing; and even for those in Persia and Morocco it could do little. But the cultural merit of their efforts, though practically without result, is in nowise diminished.

In Continental parliaments, during the past twenty years, one has never—I say, never—seen Jewish delegates or senators labor for the Jews of their own country, much less for those of foreign countries. And yet, there have nowhere been lacking excited debates on Jewish matters, in which Jewish parliamentarians could have rightly and properly spoken a word for their race. In the German Reichstag and in the Prussian Landtag, the Christians Rickert, Haehnel, Traeger, Barth, occasionally also Richter and Pachnicke, and even Dr. Lieber, have opposed the Anti-Semitists; but the lips of the Jews and of the baptized Jews have been sealed. In the debates of the French Chamber on the Dreyfus affair, the names of the Jews, Raynal, Naquet, Klotz and Crémieux, are not in evidence. There is no lack of Jews in the Hungarian Parliament. They were silent when the Chamber of Deputies in Pesth re-echoed with monstrous charges connected with an alleged ritualistic murder in Tisza-Eszlar. The same phenomenon recurs in Vienna, where never a word is heard from the Jewish deputies, when Jews in Galicia and Bohemia are robbed, wounded and murdered, and when their colleagues Lueger, Schneider, Gregorig and others utter such statements as these: "Jews are not human beings, they are cattle," "Government should pay a premium for every Jew shot," "Jews are beyond the pale of law, humanity and honor."

But the Jewish politician is invisible and unheard in connection with Jewish questions only. In all other matters he seeks

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to play the first violin, and frequently with success. Such a thing as an utterly obscure parliamentarian does not exist, possibly because considerable genius is requisite on their part to obtain a seat in Parliament despite their Judaism. At any rate, it is a fact that, whenever their scientific assimilatory cowardice does not impair their powers, Jews develop no inconsiderable skill. They are skillful and powerful orators in countries like Germany, where oratory is not a munificently scattered talent. They have a sense of duty and a gift of exactness. They are hard workers, even in a human environment wherein, as among certain Latin races, superficiality displaces thoroughness. They are dexterous lobbyists, and usually of a conciliatory, well-meaning nature, ready to serve as intermediators, where interests clash. They always attract attention; quite frequently they are recognized authorities; in some cases they occupy influential positions as leaders.

Let me call attention briefly to the career of a few well-known Jewish politicians. If I cite no American illustrations, it is because they are more familiar to my readers than they are to me. Yet I may be permitted to mention Mr. Straus, who occupies a prominent position among American diplomats, and whom the confidence of the President and Senate of the United States has entrusted with one of the most difficult diplomatic offices in the world, that of minister (and possibly, at an early date, of ambassador) to Constantinople, where he has already achieved several brilliant successes for his country.

Of Disraeli everything has been said that can be said. I wish merely to add that the lustre of his name is constantly growing. The voices which have stigmatized him as adventurer and charlatan have been silenced. Sober criticism recognizes that what has been called his "Oriental imagination" was actually an almost prophetic depth of penetration, and that he foresaw the development of the colonial policy of all the Powers twenty years in advance of his most sharp-sighted contemporaries. Baron Henry Worms received his peerage for services rendered his party and his country. Lord Herschell will be immortalized in the history of the Liberal party of England. Sir Drummond Wolff has the preference of election when England is called upon to solve some peculiarly difficult diplomatic problem. Sir Julian Vogel, late ex-Premier of New Zealand, brought a deteriorated, impoverished colony from the verge of bankruptcy to cultural and

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financial prosperity. With a boldness that made men hold their breath, in spite of enmity and calumny, he floated heavy loans, and the result justified his anticipations. He handled millions almost without control, and died a poor man. *"Altesse, saluez!"* Don Ruy Gomez cried in Victor Hugo's "Hernani" after the description of a similar character.

In Germany, Jews have played an astonishingly prominent part in political life, in spite of particularly unfavorable conditions, in the midst of a chronic, sometimes latent, but frequently brutally open, Anti-Semitism. Johann Jacobi in his pamphlet *"Vier Fragen eines Ost-Preussen"* (1840), gave the first impulse to a movement, which in eight years culminated in the first constitution of Prussia. The first German Parliament, in the Church of St. Paul in Frankfurt, which consisted of such men as Uhland, Arndt, Jahn, of the greatest poets, students, and statesmen of the German people, knew of none more worthy of its presidency than the baptized Jew, Eduard Simson. The same assembly, the most brilliant, and spiritually the most prominent, Germany has ever witnessed, elected the Jew Gabriel Riesser, Vice-President; Simon as a member of the Committee of Thirty, etc. The same Eduard Simson, whom Bismarck called "a president by birth," was the leader of the deputation which the North-German Reichstag in 1871 sent to King Wilhelm to Versailles to extend to him its congratulations on the establishment of the new German Empire. Eduard Lasker played the most important part in the framing of the Constitution for the German Empire. Bismarck, to whom he had rendered valuable parliamentary services, rewarded him with black ingratitude; but Congress at Washington recognized his merits in a memorable message to the German people. Ludwig Bamberger created a gold standard for Germany, and was for twenty years considered the best speaker of the Reichstag.

In France (1848) the Jew, Goudchaux, held the portfolio of finance, when the four per cent. *rentes* stood at 34 and the three per cents at 33.75, and thus saved the country from impending bankruptcy. Fould secured happy financial conditions for Napoleon III. under unfavorable circumstances. Jules Simon, son of a Jew of Lorraine, Simon Susse, and a mother from Bretagne, was one of the five heroic defenders of liberty during the Second Empire, and a successful President of the Ministry, until discharged by McMahon, after the celebrated "16th of May" (1877), with the

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informality of a gross barbarian. M. Raynal, as minister, framed the treaties with the great Railway Association, which were, indeed, sharply criticised by some, but were praised by others as the salvation of French finances. M. Naquet gave to France its divorce laws, and was the leading thinker of Boulangism. He may be reproached with his participation in this despicable movement; he played the most prominent part in it, nevertheless.

I have no desire to be prolix in enumeration. I set aside men of second rank and of mere local celebrity, such as Signor Luzzatti, the successful negotiator of the Franco-Italian commercial treaty, or Dr. Adolph Fishof, the Austrian Minister of the Revolution in 1848, who discovered the only saving formula for a Federal Constitution for Austria. Let it serve as a reminder, merely, that the Jews, Marx and Lasalle, stood sponsors to one of the most important political movements of the day, Socialism; that one of the three leaders of German Social Democracy is the Jew, Singer; that the Jews, Dr. Adler and Dr. Ellenbogen, organized the Socialist party in Austria, and that Russian Nihilism numbers among its leaders, apostles, heroes and martyrs, a large contingent of Jews.

Though the course followed by one or the other of these Jews may meet with disfavor or with contempt, on the part of some, it must be admitted, nevertheless, that they had the strength and the resolution to co-operate in the shaping of the political destiny of their fatherland.

Whenever Jews have secured their political rights, they have rapidly advanced to the front rank of parliamentarians, party leaders, and ministers. Where they are deprived of these rights, they serve as a leaven that arouses clogged masses into liberal, and sometimes into revolutionary, ferment. Political life in any land gains an active and useful element, when Jews are permitted to participate. The Jewish race derives no advantages from Jewish politicians, for these early degenerate into partial or complete renegades, but their native land acquires in them its most faithful and earnest servants.

The more external characteristics which qualify Jews for a political career, their gift of oratory, their endurance, their quick perceptions and diplomatic shrewdness, I have already mentioned. But there are more deeply rooted, nobler qualifications, of a spiritual and moral order, which explain and justify their success

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in politics. Their psychologic organization shows a happy mingling of realism and idealism, not frequently found in other races. They possess an acute sense of realization, which guides them to swift orientation in a problem, and suggests a ready solution. But, at the same time, they are gifted with an ancient heritage of idealism, an instinctive longing for higher possibilities of life, for progress, for moral advancement, an unconquerable preference for active participation in the eternal evolvement of Humanity, that makes it impossible for them to sink away utterly into political ambition, election intrigues, clamor for office or demagogic deception of the people. Even the most thoroughly assimilated Jew, who has broken away from all the traditions of his race, and who shares an absolute disgust of all things Jewish, unconsciously cherishes a sacred remnant of the enthusiasm of his ancestors for justice and brotherhood; of their admiration for all labor that savors of mentality; of their hatred of self-seeking and violence.

To one sentiment must I here give voice, which will appear as a paradox to many, because it departs from traditional conception. But it is an opinion based upon unprejudiced investigation of facts, both past and present. The Jew is commonly credited with an unusual faculty for trade. I think this is a total misconception. His natural talents tend to politics. Whenever he is free to act in public affairs, he readily advances to the front rank of parliamentarians, statesmen and diplomats; and the community derives its largest advantages from such fruitful use of his native gifts. Trade to him is merely a "*pis aller*." True, most Jews today still carry on trade, and in some countries commerce is almost entirely in Jewish hands. But it is known that the Jews turned to this vocation, in the first place, not from inclination, but from bitter necessity, simply because it was the only one left open to them by their cruel oppressors in the Middle Ages, and in some great countries it is the only one left open to them to this day.

So long as they lived as an independent people in their own land, they were farmers, shepherds, warriors and priests. The example of their nearest neighbors, the Phœnicians, exerted not the slightest influence upon them. They despised commerce and envied not their sea-faring neighbors the riches they thereby acquired. No act of Jesus Christ is more thoroughly Jewish than the wrath with which he drives the merchants from the Temple. After their dispersion, the Jews were compelled to deny all their

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original instincts and adopt a nature foreign to them. They were told to "barter or starve," and of course they preferred trade to starvation. Their faculty of adaptation stood them in good stead in this, and assured them success in a vocation unwillingly assumed. But they are not heart and soul immersed in trade. Two facts demonstrate this. First: The sons of Jewish merchants, who have grown wealthy, have but one ambition, to forsake the vocation of their fathers, and to choose a different career, for the most part, one much more difficult, requiring greater exertion and self-denial and making smaller material returns. Secondly: During the fifteen centuries wherein they have devoted themselves exclusively to trade, they have not produced a single new and fruitful commercial idea, and no one great item of material progress is coupled with a Jewish name.

The draft and the check were the discovery of the mediæval Lombards and Genoese. Double-entry book-keeping is a thought emanating from and developed by Italian Christians. Insurance associations originated in England. Neither Gresham nor the Lloyds were Jews. Englishmen and Frenchmen devised stock companies, and the first use and the first abuse of these enterprises was fostered by Christians. I believe that not a single Jewish name will be found in the first lists of the Dutch East India Company, of the Hudson's Bay Company, of the East India Company, or among the schemes of Law. The first steamship lines, the first railways were planned and built by Christians. The Christian, Cyrus Field, laid the first ocean cable. To-day we stand before a new gigantic industrial revolution, which sets large masses of capital in motion—the introduction of electricity as a source of power. The originators of this movement are the Christians, Siemens and Halske. Mr. Cecil Rhodes is no Jew, and, so far as I know, no Jew takes any important part in the Niger and Borneo Company. The great American railways have been built by the Christians Vanderbilt, Villard and others. The creators of the modern giant, the department-store, Boucicault, Jaluzot, Wanamaker, Hertzog, are not Jews. Neither is Mr. Rockefeller a Jew. I do not know how many Jews are included among the celebrated "Four Hundred" of New York—doubtless a disappearingly small number. Seek for Jews in legitimate and in piratical corporate enterprises, in the great Steamship lines, in the Trusts, in the trans-oceanic commercial ventures of London, Hamburg and

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Marseilles, and in the Charter Companies, and they will be found mostly in the second and third ranks, and in some not at all. M. Pereire of the *Compagnie Generale Transatlantique* and Mr. Ballien, of the Hamburg-American Steamship Company, are, to my knowledge, the only Jews at the head of great mercantile fleets.

If by commerce we mean anything beyond the sale of a sugar-loaf in a store; if we mean by it the consolidation of capital produced by labor, and its employment in the realization of great industrial conceptions, in the opening out of new countries, in the application of mechanism to the world's commervial exchanges; it will be recognized that the Jews always follow, that they never lead. With possibly the exception of the South African gold mine district and the petroleum lands of Baku, they are nowhere the first in the field. Even the Rothschilds had no creative thought when they built the *Chemin de Fer du Nord* in France, or the Ferdinand-Northern railway in Austria. The same is true of Baron de Hirsch, the originator of Oriental railways, and of the unfortunate Strousberg, who planned the Roumanian railroads. All this is imitation; there is no bold initiative about it. This lack of originality certainly does not bespeak commercial talent in a people whose occupation, handed down from father to son, is trade. Had they the native commercial instincts, wherewith prejudice credits them, and did not trade in reality antagonize the inmost genius of the race, it would surely, within the past fifteen hundred years, have produced some few commercial originators and creators, such as it has produced in the domain of poetry, art, philosophy and science.

III.

It is impossible to treat a vast and intricate phenomenon, such as the Jewish problem, exhaustively in a Review article. I desired to elucidate only a few of the many aspects of this question, and I draw the following conclusions from what has been adduced.

Even well-meaning Christian observers of Jews admit the one point only, that the Jews serve the people among whom they live in a commercial capacity solely. But this is not a correct perception of their nature. It is just in commerce that they could be best spared and most easily replaced, at least among the civilized people of the Occident, and they will presumably, of their own volition, leave trade and turn to other vocations more in accord

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with their genius after they have lived in freedom and equal rights for a few more generations.

Where the Jews have attained equal rights, they are still haunted by the fears of Ghetto times; they have not yet a sense of quiet and assured possession, but are pursued by the secret dread that they will be again deprived of what has been given them. They are possessed by an almost morbid desire to demonstrate to their Christian compatriots that they are citizens of the country simply, and nothing but that. Their patriotism is more sensitive and demonstrative than that of Christians. They noisily repudiate any solidarity with Jews of other lands. They affect an unnatural indifference toward all Jewish interests, an indifference never met with among Christians. They strive to make their Judaism as unobtrusive as possible, and frequently persuade themselves that they are not a distinctive race, still less a distinctive people, nor that they have had antecedent and historic origins differing from those of their Christian compatriots. Oddly enough, however, only a minority is sufficiently logical to do that which comports with such sentiments, that is, to be baptized, and to give their descendants a Christian ancestry by marriage with Christians. From this the conclusion follows, that the Assimilationists are subject to a passing nervousness only, and that, at bottom, they have not entirely overcome Jewish nature, and that they will again awaken to race-consciousness when emancipation has ceased to be a novelty.

The Jews, who do not possess equal rights—and these comprise four-fifths of the race—have preserved the consciousness that they are a distinctive people. They realize that they can escape the hatred that pursues them only by ceasing to be a recognizable minority in the midst of other peoples. They refuse to sink their identity. Lost identity is no solution of the Jewish problem. They look for their salvation in a re-union in a land which shall be their own, where they will be the majority, and where they can develop in a temperature of sympathy along their own organic lines.

MAX NORDAU.

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JEFFERSONIAN PRINCIPLES.

BY WILLIAM J. BRYAN.

THE admirers of Thomas Jefferson have reason to be gratified at the growing interest felt in the principles enunciated by him. During the early days of the Republic, Jefferson and Hamilton represented two opposite schools of political thought. Jefferson believed in the doctrines set forth in the Declaration of Independence; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that, to secure these rights, governments are instituted among men; and that governments derive their just powers from the consent of the governed. He believed that the people could be trusted to govern themselves: not that they would govern themselves perfectly, but that they would govern themselves better than any hereditary ruler could govern them. His faith in popular government was tersely expressed in a letter to John Tyler: "Believing, as I do, that the mass of the citizens is the safest depository of their own rights, and especially that the evils flowing from the duperies of the people are less injurious than those from the egoism of their agents, I am a friend of that composition of government which has in it the most of this ingredient."

The closing days of Jefferson's life were brightened by the contemplation of the progress already made, and by an unshaken confidence in the future of the nation which he had helped to found. Ten days before his death, in a letter expressing his regret that illness prevented his participation in the celebration of the fiftieth anniversary of the signing of the Declaration of Independence, he said: "All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind had not been born with saddles on their backs, nor a

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favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them."

Hamilton, on the other hand, doubted the capacity of the people for self government, and his distrust of the masses lured him to the fatal field where he died at the hand of Aaron Burr. In a statement giving his objections to duelling and his reason for accepting the challenge, he said: "The ability to be in the future useful, whether in resisting mischief or effecting good in the crises of our public affairs which seem likely to happen, would probably be inseparable from a conformity with public prejudices in this particular."

Senator Lodge discusses this question in his life of Hamilton, and says: "Hamilton believed the Constitution to be unequal to the burden imposed upon it. And he considered the government too weak. At any moment, as it seemed to him, there might be a general upheaval, and that then the elements which had desolated France and swept over Europe, might here engage in a conflict for supremacy." Mr. Lodge adds: "He was utterly at fault in supposing that there was in the United States the same elements and the same forces as in France. Both race and history made their existence impossible. The representative democracy developing in America was more hostile to the anarchy of the French Revolution than the strongest and most energetic government which the wit of man could devise. Hamilton's mistake was neither unnatural nor uncommon; but, joined with his just belief of the duty which would devolve upon him in such a crisis as he anticipated, it made it imperative for him to accept the challenge of Burr."

When the Republican party was organized, it did not conjure with the name of Hamilton, but in its platform of 1856 appealed to those who were in favor of "restoring the action of the federal government to the principles of Washington and Jefferson."

Lincoln paid a high tribute to Jefferson in 1859. I quote from a letter of that date: "All honor to Jefferson; to a man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document an abstract truth,

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applicable to all men and all times, and so to embalm it there that, today and in all coming days, it shall be a rebuke and a stumbling block to the harbingers of reappearing tyranny and oppression."

During recent years organized wealth has taken advantage of the lethargy of the people, and "the effort to place capital on an equal footing with, if not above, labor in the structure of government" (as predicted by Lincoln) is becoming more and more apparent. The poison in the blood has manifested itself first in one form and then in another, until at last the people are awakening to a realization of the fact that the government has drifted from the ideals of the founders, and, with the awakening, comes the appeal to all who are in favor of restoring the federal government to the principles of the fathers.

The ship of state may be intrusted to other pilots during fair weather; but, in the hours of storm, the people turn to the Sage of Monticello, the greatest of the world's constructive statesmen.

Born an aristocrat, he became the first conspicuous Democrat; reared among the owners of landed estates, he led a successful crusade against the laws of primogeniture and entail; rich, for the time in which he lived, he championed the cause of the common people.

He had faith in the patriotism of his fellow men; and yet he was conscious of the frailties of human nature, and his scheme of government was intended to strengthen the public servant to resist temptation, while it protected the people against a betrayal of the trust reposed in their representatives.

"Equal rights to all and special privilages to none," was the rule which he applied to all legislation. And how comprehensive the rule!

Applied to appropriations, it would limit expenditures to the needs of an efficient government, economically administered; and it would protect the overburdened tax payer from the voracious tax eater.

Applied to taxation, it would adjust the burdens of government in proportion to the benefits received. It would not permit the federal government to rely entirely upon internal revenue taxes, collected from liquor and tobacco, and upon import duties collected upon consumption generally, because the taxes collected by both these methods are, in effect, graded income taxes, with the highest rate upon the smallest incomes.

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This rule would not permit the establishment of a financial system designed to effect a secret but constant increase in the measure of value, for the benefit of the holders of fixed investments and to the detriment of those who produce wealth, own property, or owe debts.

Jefferson's action in suspending the coinage of silver dollars has been frequently referred to, as an evidence of hostility to silver. The order was made, at the suggestion of the bankers, because of the scarcity of small coin; but it did not interfere with the free and unlimited coinage of silver into half dollars, quarters and dimes, all of which were at that time full legal tender equal with gold. So long as gold is given unlimited coinage into full legal tender money of some denomination, it is immaterial whether the government coins one dollar pieces or three dollar pieces, or confines the coinage to higher denominations; and so, while silver can be coined, without charge and without limit, into full legal tender money of some denomination, it matters not whether it is coined into dollars, half dollars or smaller denominations. The test of bimetallism is not found in the coinage of money of any particular denomination, but in the coinage of both metals, without limitation, into full legal tender money at a fixed ratio.

Jefferson is also quoted in support of the commercial ratio, as against the present coinage ratio; but those who thus quote him ignore the very important fact that, when he recommended the adoption of the commercial ratio, it was at a time when all the gold and silver produced from the mines could find access to government mints, and when the commercial ratio was the resultant of the different coinage ratio acting upon the metals. For the United States to have established a ratio appreciably different from those then existing, would have added a new and disturbing factor. At the present time, gold has access to so many mints, and silver has access to so few mints, that the commercial ratio indicates only the value of the surplus silver which is excluded from the mints, and must seek a mercantile use. So long as the coined silver of the world circulates at the ratio of fifteen to one, as it does in some countries, or at fifteen and a half to one, as it does in other countries, or at sixteen to one, as it does in this country, the United States can, by the restoration of free and unlimited coinage, lift the commercial ratio up to the legal ratio. If we had free and unlimited coinage at sixteen to one, the opening of Eu-

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ropean mints at fifteen and a half to one would raise our silver to a premium; but until some strong nation resumes free coinage at such a ratio, we can maintain the parity at sixteen to one.

The rule above referred to would prohibit special contracts intended to nullify the legal tender laws of the nation. Comparatively few can avail themselves of the advantage of special contracts, and when a few protect themselves from possible fluctuations in one kind of money, they add to the risk which must be borne by those who are not in a position to make such contracts. Gold contracts create a new demand for gold, and tend to destroy the parity which the government attempts to maintain. No believer in the Jeffersonian doctrine of "equality before the law" can defend the special contract, which not only raises one class of individuals above the law, but tends to thwart the very purpose of the law.

The rule would compel the government to exercise the debtor's option in the redemption of coin obligations, when necessary for the protection of the public against the selfish schemes of those who would deplete the treasury, for the purpose of forcing an issue of bonds or in order to discredit government paper. The debtor's option is necessary to the maintenance of the double standard. If creditors had the right to choose the coin of payment, the demand would fall exclusively upon the dearer metal, and thus increase its price. When the debtor has the option, the demand falls upon the cheaper metal, and, when the demand is sufficient, raises the price of that metal up to the coinage ratio.

The Jeffersonian rule would prohibit the establishment of national banks of issue, because a bank of issue not only exercises a potent and dangerous control over the property of others, but it enjoys a privilege denied to others. It was the issue of paper money by banks that led Jefferson to declare that banks of issue are more dangerous than standing armies. That the bank is wearing the coat of many colors, indicative of parental partiality, is known to the most casual ovserver. One of the bills which has received the indorsement of the House committee, provides for the gradual retirement of the greenbacks, and for the issue of two and one-half per cent. gold bonds when necessary to maintain the gold reserve. Thus bonds drawing interest are to be substituted for greenbacks drawing no interest, and the taxpayers are to work a little harder to meet increased taxation. On the other hand, the national

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bank, which is now permitted to issue notes up to ninety per cent. of the face of the bonds deposited, is to be authorized to issue up to par, while the tax of one per cent. upon the circulation is to be reduced to a small fraction of one per cent. The people at large, who enjoy no special advantages, find their taxes increasing; while the banks, which are enjoying special privileges, find their taxes decreasing. If a laborer, a farmer, a merchant or a professional man, saves enough money to buy a government bond, he loses the use of the money invested in the bond and must content himself with the interest paid upon the bond; but a national bank will, under the proposed law, be able to invest its capital in bonds and then, by depositing the bonds, secure bank notes to the par value of the bonds, thus securing a return of its investment while it continues to draw interest upon the bonds. The ordinary individual can eat his cake or keep it; the national bank can both eat its cake and keep it.

According to Jefferson's philosophy, the government must not only avoid injustice in its dealings with the people, but it must prevent injustice as between man and man. The citizen has an inalienable right to life, liberty and the pursuit of happiness; and it is the duty of the government to make this right secure, in fact this is declared to be the very object of government.

Jeffersonian principles, applied to present industrial conditions, would annihilate the trusts. A monopoly which controls the product of a necessary of life has society at its mercy. To authorize, or permit, the establishment of such a monopoly is equivalent to surrendering the taxing power to private individuals, to be used for personal gain.

That those who are industrially weak should be protected from injury at the hands of those who are industrially strong, is as imperatively necessary as that the physically weak should be protected from the physically strong. Since all corporate privileges are bestowed by law they can be withdrawn by law; the power of the government is, therefore, sufficient to compel the corporation to remember its creator, not only in the days of its youth, but throughout its entire existence.

Freedom of contract is impossible except between those who stand upon practically the same level. Where one party is weak and dependent, and the other strong and aggressive, freedom of contract may degenerate into freedom to coerce. The demand

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for arbitration of disputes between capital and labor grows out of the disparity between the large corporate employer and the employee, and this demand is consistent with the Jeffersonian doctrine that governments are instituted to secure to the individual his inherent and inailenable rights.

Jefferson was a firm believer in trial by jury. In a letter written in 1789, he defends the jury system, pointing out that it is a protection against the possible bias of the judge, and says: "Were I called upon to decide, whether the people had best be omitted in the legislative or judiciary department, I would say it is better to leave them out of the legislative. The execution of the laws is more important than the making of them. However, it is best to have the people in all three departments, where that is possible." Government by injunction, which is a poorly disguised attempt to deny a jury trial to those accused of crime, is a violation of the principles taught by Jefferson.

In view of the recent demand for a large increase in the permanent army, it may not be out of place to refer to Jefferson's position on this subject. In his first inaugural address he included among the things advocated by him, " a well disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them," and "the supremacy of the civil over the military authority." In his first message to Congress, in December, 1801, he emphasized his partiality for the militia system in preference to a large regular army, and in referring to the nation's defence said: "Nor is it conceived needful nor safe that a standing army should be kept up in time of peace for that purpose." He recognized the menace of a great military establishment, and believed that a republic should rely for its defence upon its citizen soldiery.

I shall not attempt to apply the principles of Jefferson to all the questions now under discussion. Enough has already been said to show how fundamental those principles are in their character.

But, in considering the policy to be pursued by the United States in dealing with the Filipinos, we are entering upon a field so new to our people that we have especial need to turn to the past for wisdom and admonition. Jefferson's writings cover every phase of the question.

Is the doctrine of conquest an American doctrine? In a letter

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written to Mr. Short, in 1791, Jefferson said: "If there be one principle more deeply written than any other in the mind of every American, it is that we should have nothing to do with conquest."

His ambition for territory was limited to the North American continent. He favored the annexation of Cuba, "when solicited by herself," and insisted that no territory should be accepted which required a navy to defend it. He expressly disclaimed any desire to have our national sovereignty extended farther south than Cuba. He was devoted to the doctrine that governments derive their just powers from the consent of the governed; and no proposition could be more antagonistic to his teachings than that an alien race should be subjugated by force of arms, taxed without representation, and governed without their consent.

In the "Summary View of the Rights of British America," written by him in 1774, he said:

"Not only the principles of common sense, but the common feelings of human nature, must be surrendered up, before His Majesty's subjects here can be persuaded to believe, that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned, why one hundred and sixty thousand electors in the island of Great Britain, should give law to four millions in the States of America, every individual of whom is equal to every individual of them in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we would suddenly be found the slaves, not of one, but of one hundred and sixty thousand tyrants; distinguished, too, from all others, by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant."

In the same paper he said: "Still less let it be proposed, that our properties, within our own territories, shall be taxed or regulated by any power on earth, but our own. The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them."

Jefferson mentioned, incidentally, that the Americans were the equals of the English in virtue, understanding and bodily strength, but, if any one thinks that the rights of the colonists arose from the fact that they were the equals of the inhabitants of

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the mother country, let him read Lincoln's analysis of the Declaration of Independence. In a speech delivered at Beardstown, Ill., August 12, 1858, he said:

"They (the Fathers of the Republic) erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages. Wise statesmen as they were, they knew the tendency of prosperity to breed tyrants, and so they established these great self-evident truths, that when in the distant future, some man, some faction, some interest, should set up the doctrine that none but rich men, none but white men, or none but Anglo-Saxon white men, were entitled to life, liberty, and the pursuit of happiness, their posterity might look up again to the Declaration of Independence, and take courage to renew the battle which their fathers began, so that truth and justice and mercy, and all the humane and Christian virtues, might not be extinguished from the land; so that no man would hereafter dare to limit and circumscribe the great principles upon which the temple of liberty was being built."

I cannot refrain from adding Lincoln's appeal:

"Now, my countrymen, if you have been taught doctrines conflicting with the great landmarks of the Declaration of Independence; if you have listened to suggestions which would take away from its grandeur and mutilate the fair symmetry of its proportions; if you have been inclined to believe that all men are not created equal in those inalienable rights enumerated by our chart of liberty; let me entreat you to come back. Return to the fountain whose waters spring close by the blood of the Revolution. Think nothing of me; take no thought of the political fate of any man whomsoever, but come back to the truths that are in the Declaration of Independence. You may do anything with me you choose, if you will but heed these sacred principles."

Jefferson was a student both of history and of human nature; he knew the strength of race attachments and race prejudices, and he was profoundly impressed with the danger of race antagonism, even in the United States. If we could lay aside all questions of right, can we ignore the certain complications which would arise from an attempt to make subjects of the Filipinos and enforce the authority of a relatively small number of white rulers?

The renaissance of Jeffersonian principles is at hand.

WILLIAM J. BRYAN.

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THE IMBROGLIO IN SAMOA.

BY HENRY C. IDE, FORMERLY CHIEF JUSTICE OF SAMOA.

THREE times has Mataafa been anointed King of Samoa, only to have the cup of happiness dashed from his lips after his coronation. In one way or another, nearly all the political disturbances which have occurred in the island kingdom for the past fifteen years, have had Mataafa as their central figure. As South Sea islanders go, he is worthy of having been the principal factor in these stirring events. His admirer and defender, Robert Louis Stevenson, thus describes him:

"He is a tall and powerful person, sixty years of age, white haired and with white moustache; his eyes bright and quiet, his jaw perceptibly underhung, which gives him something of the impression of a benevolent mastiff, his manners dignified and a thought insinuating, with an air of a Catholic prelate. Long since he made a vow of chastity, 'to live as our Lord lived on this earth,' and Polynesians report with bated breath that he has kept it. He was the idol of the whole nation, except a fragment of opponents. Speaking for myself, I have visited and dwelt in almost every seat of the Polynesian race, and have met but one man who gave me a stronger impression of character and parts."

Nearly every American who has passed any time in Samoa since Mataafa became a factor in its politics, has entertained a great admiration for his personal qualities, and however much his action is to be deprecated in the controversies that have arisen, the personal sympathies of those who have known him have nearly all been in his favor. There would have been a strong feeling of satisfaction, if his right to the kingship could have been established by the recent decision of the Chief Justice.

In 1886, Malietoa Laupepa was king of Samoa. The Germans, bent upon securing the exclusive control of the islands, made demands upon Malietoa which were not, and could not be,

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fulfilled, and caused the High Chief, Tamasese, to be proclaimed King. Malietoa fled to the bush, but was followed by a message that, if he did not give himself up within a few hours, great sorrows must befall his country. Therefore he came down from the recesses of the mountain, bequeathed the care of his native land to his kinsman, Mataafa, and put forth a touching farewell to his country, and to the different provinces thereof:

"To all Samoa: On account of my great love to my country and my great affection to all Samoa, this is the reason that I deliver up my body to the German Government. That Government may do as they wish to me. The reason of this is because I do not desire that the blood of Samoa shall be spilled for me again, but I do not know what is my offence which has caused their anger to me and to my country. Tuamasaga, farewell! Manono and family, farewell! So also Salalafai, Tutuila, Aana and Atua, farewell! If we do not again see one another in this world, pray that we may be again gathered above."

He went from his weeping people to the German warship which lay in the harbor, and was borne away to Australia, to South Africa, to the German Cameroons, to Germany, and again through the Red Sea, still on to Jaluit, one of the coral lagoons of the German Marshall Islands, lying under the equator, where he was destined to pass the years of his lonely exile.

Around Mataafa rallied all the native elements that were opposed to the Germans and to their puppet King, Tamasese. The Americans and English, resident in Samoa, joined in the support of Mataafa. Civil war raged. Arms, ammunition, food and sympathy were provided for Mataafa by the English and Americans, while Tamasese received similar support from the Germans. In December, 1888, at Fagalii, three or four miles east of Apia, a battle was fought between the Mataafa-natives and 140 German sailors, who had been landed to protect German property and to fortify the waning cause of Tamasese. The Germans fought bravely, but in the dark and among cocoanut trees, and lost 56 in killed and wounded. The heads of several German sailors were taken by the natives, and this fact ultimately defeated Mataafa's first kingship. But the cause of Tamasese was now beyond resurrection, and he himself retired into oblivion and soon died.

Thus was Mataafa King of Samoa from 1887 to near 1890. He succeeded to the honors and title of Malietoa Laupepa, but the military disaster at Fagalii and the belated, but finally effectual, remonstrance of England and the United States, brought

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Germany to a standstill, and the conference was proposed which resulted in the Berlin Treaty of June 14, 1889. In that instrument, the three powers agreed thereafter to respect the independence and autonomy of Samoa, to establish a protectorate over the islands, and to return Malietoa Laupepa and recognize him as King, Mataafa being rejected on the ground of the German insistence that he was responsible for the beheading of German sailors at Fagalii. This was the end of Mataafa's first kingship.

Meanwhile, the country was being governed under the Berlin Treaty. That international compact contained some indefinite references to an election of a King; and, after a time, when the Treaty had failed instantly to bring the prosperity, happiness, abundance and content which the simple-minded natives had expected to follow it, they began to look upon Mataafa as the hero of the war, who had fought side by side with them, in the bush, along the shore, and in the forest plantations, and to insist that there should be an election, and that he should be their King once more. Gradually, he yielded to their persuasions, retired to Malie, west of Apia, was crowned as King by the mal-contents, and there established a rival government, with the state and ceremony incident to a Samoan monarch. Thus the two governments went on side by side from 1891, until the summer of 1893, when Malietoa made an atack upon Mataafa, defeated him and scattered his forces. Mataafa was captured by British and German warships, and held as a prisoner of the powers. They decreed that he should be taken to Jaluit, in the Marshall Islands, where Malietoa had so long been prisoner. So his people came upon the warship, and in solemn form, with cocoanut water, poured upon his head, washed out the royal title, to which he had been anointed, nd he sailed away to exile. This ended his second kingship.

From 1893 to 1898, Malietoa Laupepa continued to be the recognized King of Samoa, but he was never able to receive the undivided support of his people. In August, 1898, he was ill of a fever. He was taken to Vailima, the Robert Louis Stevenson homestead, to get the benefit of the mountain air. But the original vigor of his constitution had been impaired by his years of captivity and sorrow, and contention, and the fever did its work. He was a courteous, gentle, kindly man, illy-fitted for scenes of bloodshed and turmoil. A short time before his illness, the powers had concluded that Mataafa had been sufficient-

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ly punished, and that he should be returned to his beloved Samoa, upon his sòlemn pledge that he would render loyal obedience to the government, and in all ways encourage peace and loyalty.

When Mataafa arrived in Samoa, Malietoa had just been gathered to his fathers, and the Treaty then, beyond question, provided for the long-sought election of a successor, "according to the laws and customs of Samoa." The candidacy of Mataafa was inevitable and natural. He had the whole Catholic party to support him, and a great Protestant following of those who admired him for his stand against the Germans in 1886-7, and for his chiefly qualities, and who had stood beside him when he had twice before been King, and who pitied him on account of his long exile. According to Samoan custom, therefore, he was again chosen King and anointed as such in November last. Meanwhile, other candidates had appeared—Tamasese, the son of the deceased German puppet King, and Malietoa Tanus, the son of the lately deceased King, a boy of 16 or 17 years of age, still under the tutelage of the London Missionary School. Tamasese withdrew his claims in favor of Malietoa Tanus, with the understanding that he should have a position of influence in the Government. Malietoa Tanus was chosen King by his supporters, and claimed to have been lawfully elected. Thereupon, the decision fell to the Chief Justice, by the terms of the Treaty. In the meantime, the natives from the remote districts began to gather in force at the capital, and the situation became threatening in the extreme. It was apparent that the followers of Mataafa, at least in and about Apia, were far more numerous and better equipped than those of his adversary. On the 31st day of December, the Chief Justice announced his decision that Mataafa was ineligible for the kingship, and that, therefore, Malietoa Tanus was King.

Before another day had elapsed, that judgment was reversed by force of arms. Malietoa Tanus was in hiding at a missionary's house and, later, upon a British warship. Tamasese was with him, and his followers were scattered or slain, their houses burned, and the whole government in possession of Mataafa. Mataafa was King again, this time not only by virtue of the anointing, but by virtue of the military strength of his followers, supported and recognized by all the German officials and people in Samoa. The situation was exceedingly embarrassing for the

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Chief Justice, living a mile back from town, the whole neighborhood being occupied by natives who regarded his decision as an injustice, and who had overthrown it by violence and bloodshed. He retired to the British warship, "Porpoise"; and the British and American Consuls, apparently terrified by the exciting course of events, thereupon met with the German Consul and recognized a Provisional Government, consisting of Mataafa and a Council of thirteen of his chiefs, with Dr. Raffel, the German President of the Municipality of Apia, as chief executive officer. Herein a great mistake was made. There is no provision in the Treaty for a Provisional Government. The Consuls had no authority to recognize it or to take any action with reference to it, and they played directly into the hands of Mataafa and the Germans by so doing.

The Germans were not slow to seize their advantage. The Provisional Government declared the office of Chief Justice vacant. The Treaty provides that, in the case of a vacancy, the President of the Municipal Council shall perform the duties of Chief Justice, and Dr. Raffel was instantly installed as acting Chief Justice. This was a manifest violation of the Treaty. The Chief Justice could only be removed by the concurrence of at least two of the powers, whereas, none of them had concurred. By this time, the English and American Consuls had apparently rallied sufficiently from their dazed condition to protest against this revolutionary proceeding on the part of the Germans, and proceeded, with a body of marines from the "Porpoise", to reinstate the Chief Justice, a course of conduct which was ultimately approved by the three powers, the German Government having repudiated the summary act of its officials in attempting to set aside the Supreme Court. Meanwhile, the Chief Justice became involved in a series of proceedings against German subjects and officials for contempt of court, in which difficult questions of jurisdiction and international law were involved, and which resulted in intensifying, if possible, the already extremely bitter feelings prevailing. But the Provisional Government, with Mataafa as King, still held sway.

Early in March, the American warship, "Philadelphia", appeared upon the scene. Rear Admiral Kautz, in command, assembled a conference of the Consuls and naval officers of the three powers, and thereafter issued a manifesto, declaring the

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Provisional Government to be unauthorized by the Treaty, commanding its members to retire to their homes, and threatening violence if they failed to do so, and caused Malietoa Tanus to be anointed King. The German Consul General, never having consented to these proceedings, issued a counter proclamation, asserting that the Provisional Government had been authorized by the action of all the Consuls, and urging that Government to stand steadfast. Thus fortified, the Provisional Government stood by its guns, literally. It refused to disband. The Rear Admiral, accordingly, aided by the English ships, but not by the German, proceeded to carry his threat into execution, bombarding portions of the town and its environs, and the towns along the coast, and brought back the deported Malietoa chiefs, who instantly reorganized their faction of natives, so that civil war again prevailed. Meanwhile, the experiment which the Germans had tried in 1888, of landing sailors to fight in the midst of the cocoanut plantations against the nimble natives, was repeated in the same locality and with the same results. American and English officers and sailors were slain and compelled to retreat, and some of them were beheaded. Since that time, the fighting has gone on at intervals, the only result being that a gentle, picturesque and kindly people are engaged, under the auspices of three great powers, in exterminating one another.

In this connection, perhaps, a word should be said about the Samoan custom of taking heads. It is justly regarded as barbaric, and is forbidden by Samoan law; yet, it is not done as an act of cruelty, but solely to secure a trophy of war. The Samoans are well versed in Scripture, and justify this practice from the sacred Word. They will say: "Is it not so that when David killed Goliath, he cut off his head and carried it before the King?" They have been recently denounced as "savages," and so they are, in a certain sense. They are tattooed, wear but little clothing, though enough for the climate, their land titles and system of living are communistic and patriarchal, like those of Abraham. At the same time, they have a nobility of rank, courtliness and politeness and dignity of manner. They are Christians, builders and supporters of churches. They read and write, conduct family worship every day, have their books printed in London, and play cricket, polo and games of cards. But the fact that the taking of heads in the German-Samoan war of 1888, was regarded as suffi-

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cient reason for excluding Mataafa from the kingship when the Treaty was made, is an indication of how the taking of American and English heads in the present war will affect his candidacy. He will be regarded by England and the United States as absolutely disqualified, and it will be impossible for Germany, in view of the position which she took in 1889, to oppose that contention. It is highly improbable now that Mataafa will be longer recognized as King and the probability is that the noblest Samoan of them all, owing to bad advice and misguided ambition, will again take his station upon the shores of the lagoon at Jaluit.

Samoa is without telegraphic communication with the rest of the world. One of the great difficulties, both before and since the making of the Treaty, has been unauthorized and extreme action on the part of officials located there, remote from controlling authority, magnifying their own positions and powers, and inclined to take extraordinary action under the impulse of sudden and insular excitement.

Great mischief comes from these unauthorized acts, even though they are repudiated later. It is safe to say that, if there had been telegraphic communication with Samoa, a great proportion of the difficulties of the last fifteen years would have been avoided. At present, it requires weeks to secure communication with the home Governments. But with an opportunity to receive immediate instructions from home, officials would be sure to avoid unauthorized extreme action, and all dangerous matters would be determined in advance by instructions from the several foreign offices, where there is a larger range of vision, free from the heat of insular prejudice and personal jealousies and animosities. If the cable from Vancouver to the Australasian British colonies is laid, and a connection made with Samoa, the Samoan problem will be greatly simplified.

In a previous article, the present writer traced the political history of Samoa down to 1897, and expressed the opinion that the Treaty ought to be amended in important respects, but that its abrogation would be a mistake. Recent events have not modified this opinion. The Treaty was our deliberate act, after years of negotiation and investigation, and when we were in possession of all the facts now known, except such as have resulted from the practical working of the Treaty itself. It was a national, not a political, act, negotiated by a commission of high standing,

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appointed by a Republican administration, in pursuance of arrangements made for that purpose by a Democratic administration. Its fundamental purpose, as far as our country was concerned, was to secure the neutralization of the islands lying at the center of the South Pacific, as the Hawaiian Islands do at the center of the North Pacific, in the direct pathway of the commerce ever increasing between our country and the British colonies, and for the protection of our rights and interests in the admirable harbor of Pago Pago. Every other important group in the South Seas had been seized and appropriated by some foreign Government. Samoa was the only foothold left for us. Its appropriation was eagerly sought, both by Great Britain and by Germany. It was a source of constant international irritation. We were brought to the verge of war with Germany by her persistent attempts to annex the islands. Congress appropriated five hundred thousand dollars for the defence of our interest in Samoa. The Treaty constituted a law binding upon the great nations, and defining the rights of all. It substituted the rule of law for that of force. It is the standard by which every act of either party to the international compact can be measured. It preserves our rights in the Pago Pago harbor, it secures to all our citizens now in Samoa, and to those who may wish hereafter to carry our flag and commerce thither, absolute equality in trade, the protection of the laws, and freedom from aggression of other nationalities. It has given efficient government to the Municipality of Apia, where most of the foreigners reside, it has established a local government that owns its own buildings, pays its own bills, and has done more road building than had been done in Samoa in all time before. It has prevented the destructive sale of intoxicating liquors to natives; it has completely and finally settled titles to all lands claimed by foreigners, and has perfected an admirable system of registration of titles; it has provided a court in which all internal controversies can be settled, an impartial tribunal for the adjustment of controversies which, heretofore, could be settled only by force.

The Spanish-American war has emphasized the importance of coaling stations in remote parts of the world. With coal treated as contraband of war, a modern warship is absolutely helpless in times of war, unless it can reach a base of supplies belonging to its own country. Unless we retain our grasp upon Pago Pago, the whole of the South Pacific would be closed to us the instant war

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was declared with any naval power. With the tremendous development that is going on upon the shores of the Pacific, making it the theatre of some of the vastest political and commercial events of this age, and with the United States taking its position as a world power, and being from its location more interested than any other great power in occurrences throughout every portion of the Pacific, we cannot afford to make the slightest relaxation of the rights in Samoa that have been secured to us by the Berlin Treaty. "The white man's burden" in Samoa rests as heavily upon German shoulders as upon those of England and America. The Germans have there a larger interest than any other nationality. They have a solemn compact with us, as to the manner in which those interests and their people shall be safeguarded and preserved. Samoa has been made a most important point in the policy of the German colonial party. The German Government would not, for a moment, consider any abatement of its rights in Samoa, and we are bound to recognize them to the fullest extent, under the Treaty.

Some of the difficulties of administration are plainly avoidable. The construction of a cable, as has already been indicated, would be a great help. Likewise our own Government might fulfill its obligations under the Treaty, which it has been exceedingly remiss in doing. What would be thought of the policy of a Government in the Philippines, if it should send out a Chief Justice, and a Chief Executive Officer of Manila, and a Consul or equivalent officer, and withdraw its army and warships for a series of years, and tell those officials to conduct the Government, preserve the peace and enforce the laws? Yet, that is just what our Government has done as to Samoa. From 1892 to 1899, no American warship visited Samoa, a period of practically seven years, in which officials were left to struggle on as best they could, without the slightest aid from the Government at Washington. The Germans, during nearly all that period, maintained two warships in Samoa. The British Government has every year sent one or more warships to the islands. This costs money. It is not strange that the Germans, having had to bear most of the heat and burden, should have come to think that they are entitled to a greater voice in the management of affairs than their partners who had contributed next to nothing.

Our influence there has been greatly impaired by our failure to

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do our part in support of the Treaty. Let our Government fulfill its duty under the Treaty, furnish its fair share of the naval force necessary for the proper policing of the islands, and lend its actual support to the Treaty officials, and the troubles in Samoa will largely vanish. Our newly awakened interest in the Pacific should enable us to see that our rights in Samoa are to be protected in precisely the same way as in the Philippines and Hawaii, namely, by establishing and *actually supporting* a just government.

It has been suggested that the islands should be divided, and Savaii taken by Great Britain, Upolu by the Germans, and Tutuila by the United States. Upolu is at the center of the group, and is by far the richest and most valuable of all the islands. This scheme is an old one. In 1866, President Cleveland appointed George H. Bates as a special commissioner to proceed to Samoa in connection with like commissioners appointed by England and Germany, to make investigation and report as to what ought to be done. In his report, Mr. Bates refers to "the suggestion made in Berlin for a partition of Samoa, the United States to have Tutuila, England Savaii, and Germany Upolu," but he makes no recommendation in favor of such a course. This suggestion does not seem entitled to more consideration now than in 1886. The people of Samoa come and go constantly between the islands, to so marked an extent that the early discoverers named the group the "Navigators' Islands." The same chief often holds sway of the lands and people situated in two or more of the islands. In their wars, they are divided into factions according to their tribal relations, without reference to the island upon which they reside for the time being. The natives from the German island, in case of division, would continue to take part, as they always have done, in the political affairs of the other islands and *vice versa*. It would be impracticable to determine whether depredations committed upon the American island, for instance, were committed by natives for whose acts Germany was responsible. The islands are so near together that constant collisions of interest would arise, both between natives and aliens subject to the different jurisdictions. It would be unjust to the natives, who are one race and one people, to apportion them out into three different nationalities.

While the harbor of Pago Pago is an admirable one, the best in Samoa and entirely safe in times of storm, yet its surroundings are such as to make it an undesirable place for our warships to remain

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in for a long time. It is entirely land locked and cut off from the trade winds, with frequent tropical showers—caused by the condensation of the vapors by the high mountains—followed by a scorching sun. It is an unfit place for the establishment of a town of any size, and the whole island of Tutuila, upon which it is situated, is rugged and mountainous, and more nearly worthless than Upolu or Savaii. The trans-Pacific steamers all touch at Apia, 75 miles away from Pago Pago, and the cable, when it comes, will doubtless land at Apia. It would be exceedingly undesirable to have it wholly within German territory. But if the United States took Tutuila, nobody would think of governing it without support from home, so that the necessity of naval aid would be at least as imperative under such a scheme as under the Berlin Treaty.

In its general lines the Treaty embraces the important features essential to such an international protectorate. It is doubtful if anything would be gained by an attempt to recast the whole Treaty. But it was realized at the time that events would show points of friction in its working and defects in its provisions, and that such changes should subsequently be made as experience had shown to be expedient and desirable, and three years was deemed a sufficient time for such actual trial. The Eighth Article provides:

> "Upon the request of either power after three years from the signature hereof, the powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act."

The Treaty has now been in operation for nine years. No amendments have been adopted. Manifestly, it is unfair to criticise the Treaty for failure to work satisfactorily, when no effort has been made to effect the modifications that were originally contemplated, and no support whatever has been given by our country to the Treaty officials with the single exception of the recent action of Rear Admiral Kautz in the attempt to enforce the decision of the Chief Justice. The system of taxation provided in the Treaty is both impracticable and unjust. It imposes equal head taxes upon every man, woman and child of the Samoan race, without the slightest regard to capacity to meet the exaction. This is unjust. But it has uniformly proven to be vain and ineffectual. Natives resent and avoid it. It is a constant stimulus

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to rebellion, because the native who joins the rebellion at once gets out of reach of the tax collector, and escapes taxation altogether. A reasonable customs duty, imposed upon such articles of import as are largely used by the natives, not high enough to stimulate smuggling, but high enough to compel the traders to add it to the selling price of their commodities, would make every trader a collector of taxes without friction, and would supply all the revenue needed for the support of the Government and for steady prosecution of internal improvements. This would remove one of the great causes of friction and rebellion.

The jurisdiction of the Supreme Court in certain classes of cases should be more clearly defined. Whether the Chief Justice may deal with members of the different nationalities for contempt, when that contempt consists, not in acts done in open court, but in acts done at other times and places, which tend to degrade and lower the court, and to interfere with its processes, is a very serious question under the present reading of the Berlin Act. Each Consul has exclusive jurisdiction of all criminal offences committed by people of his own nation. We have now the unseemly and demoralizing spectacle of seeing the Chief Justice pursuing, with proceedings for contempt, and writs of *ne exeat,* German subjects for alleged contempts of his court and the processes thereof, each of which consists of acts done beyond the presence of the court, while the German Consul General takes the defendants under his immediate consular protection, and denounces the proceedings as an invasion of his jurisdiction. There is something to be said upon both sides, and the Treaty can easily be so modified as to prevent such unseemly controversies in the future.

There have been, in times past, unfortunate controversies between the native government and the President of the Municipality of Apia, who is, by the terms of the Treaty, receiver and custodian of all the funds of the native government, as to the right to control the disbursement of public funds. Under the Treaty, as it exists, the native government manifestly has the right to control the disposition of its own funds, and such has been the decision of the Supreme Court; but, inasmuch as the native government at times would be inclined to use the funds for distribution among its own members, without any adequate equivalent to the public, and as those funds have been largely realized from customs taxes paid by foreigners, and as the President is largely

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considered responsible for the public expenditures, he is manifestly entitled to have his recommendations upon that subject carefully considered by the native Government, and to be a potent factor in the disbursements of those revenues. But that he should have the sole determination as to what should be done with the public funds, would be a degradation and humiliation to the native element that is unnecessary and inexpedient; and, inasmuch as the President is always a German, it would be placing the whole control of all the finances of the country absolutely in the hands of the Germans, a condition of things to which the other two powers never ought to, and probably never will, consent. A suitable provision would require the native Government and the President either to agree upon necessary and reasonable expenditures, before public funds could be disbursed, or, when they disagreed, to refer the matter to the Chief Justice for final decision. This would afford protection to the treasury, to the native Government, and to the President.

The Treaty ought to make definite provision for assistance in enforcing the decrees, mandates and judgments of the Supreme Court. It is practically silent upon this subject, and, from the time the court was established down to March, 1899, there has not been one instance in which aid has been furnished, directly or indirectly, to the Supreme Court by the powers, or any of them. Imagine a Supreme Court of one Judge to be established by the United States in the Philippines, and that court being left for eight or nine years to maintain itself among an alien people of divers nationalities, most of them utterly unfamiliar with the proceedings of such a court. What could we expect the result to be? Yet, the Supreme Court of Samoa has been left in just that situation, and it is a marvel, under the circumstances, that it has been able to become the central institution of the country, and to command general respect and obedience.

A commission has now been appointed, consisting of one commissioner from each of the three powers, to agree upon measures that shall be taken, both for redressing wrongs that have been done in the recent disturbances, and for introducing such ameliorations as may be necessary for the future government of the islands. The full text of the instructions has not been made public. After contention upon that point, it has been agreed that their action must be unanimous in order to make any measure

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which they may take immediately effective. The gentlemen who have been appointed upon the commission are of high character. They will doubtless approach the performance of their delicate duties with a lofty purpose, and with the intention to make such reasonable concessions and modifications of pre-existing views as may be necessary to secure unanimous action. It is probable that they will be able to take such action as will end the disastrous and deeply to be regretted division of counsels that now exists among the foreign Samoan officials, and to agree upon immediate plans of action that will relieve the existing strain. There is no reason, in the nature of things, why they should not be able to formulate amendments to the Treaty that, so far as foreigners are concerned, will be unanimously supported by the powers.

The greatest difficulty will be in dealing with the native question. They have no knowledge of native character or modes of thought, and cannot acquire such knowledge within the limits of their probable stay in Samoa. They will be apt to think, as others have so many times thought before them, that, when the three powers agree upon a course of conduct and issue their mandates, the natives will acquiesce. Outwardly, they probably will do so; but, as a matter of fact, they will not do so unless an adjustment is made which commends itself to them as fair and just. They may retire to their homes while the commissioners sail smilingly away; but if a King is installed at the behest of the powers, and against the protest of the great mass of the Samoan people, he will have little more authority than the President of a debating club. The natives will refuse to pay taxes or to obey the commands of the King, they will identify all foreign officials with the attempt to force upon them a native ruler whom they loathe, will commit depredations upon the plantations of foreigners and will decline to obey the summons of the Supreme Court. They will refuse to build roads, or to allow the King's adherents to come into the localities possessed by his opponents. The King will be a King of a few natives about Apia. The processes of the court will reach only through practically the same territory, while all the rest of Samoa will sit sullen, obstinate and disloyal. It will be a paper government and not an actual one.

Of course, it is in the power of the three great Governments to crush all native opposition, if they see fit to do so, and to kill, if need be, those who resent what they deem to be injustice;

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but that is an unworthy thing for three of the mightiest Governments on earth to set their hands to. The Samoans are an interesting, picturesque and kindly people, by nature and training; and it would be horrible, an act to be execrated by mankind, to see them trampled and crushed under the iron heel and torn and mangled by shells. The solution of the native problem is one that will tax the ability and insight of the commission to the highest degree; and if they are able so to shape their course as to secure the substantial, sincere and loyal support of the Samoan people and the unanimous approval of the powers, they will have accomplished a result that tends to secure the peace of the world and the preservation of a noble race from extermination, and they will be entitled to high recognition for valuable services in a difficult field.

HENRY C. IDE.

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COMMERCIAL EDUCATION.

BY THE RIGHT HON. JAMES BRYCE, M. P.

COMMERCE, and especially international commerce, plays to-day a larger part in the life and movements of the world than it ever did before. Not only the opening up to trade and colonization of new areas, not only that increased production of minerals and of commodities obtained by the cultivation of the soil consequent on the enormous resources which physical science now places at our command, but, even more than these, the extraordinary development of communications by sea and land, their greater swiftness and their greater cheapness—all these causes have swelled the volume of trade to an extent far in excess of the growth of the world's population. Thus commerce occupies men's minds more than it ever did before. Classes which in Europe treated it with indifference, or even with scorn, two centuries ago, are now almost as keenly interested as the classes directly engaged in mercantile life. The prosperity of a country, its wealth, its luxury, its power, are all deemed to depend more upon its trade than upon any other cause. Competition is far keener than ever, not only between individuals but between nations as a whole, and the annual returns of the export and import trade of each country are watched with an attention as close as that which the engineer gives to the pressure of the steam and the number of revolutions of the screw on a record-breaking ocean voyage.

Accordingly, commerce is now a more potent factor in international politics than in any earlier period. Wars, which in ruder ages were undertaken for the sake of plunder, which in the sixteenth and seventeenth centuries were waged, really or nominally, on account of religious differences, which in the last century, as well as in earlier times, were often due to the ambition of mon-

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archs, are now frequently to be feared from the clash of commercial interests, and this source of peril, which was indeed not unknown before, seems to be quite as serious as dynastic pride or racial animosity. The two most recent grounds of quarrel which have arisen among the European Powers have been the partition of Africa and the effort to secure footholds in China. In both of these cases it is not so much territory that has been in question as markets, for territory is now looked upon as chiefly valuable in respect of the trade which it can be made the means of developing. And though the United States has less need than any European country to look to or depend upon foreign markets, since it is itself the greatest market in the world, not only in respect of its vast population, but still more in respect of the purchasing capacity of the individual members of that population, there have been many signs that a desire for the expansion of its export trade in manufactured goods, as well as in food stuffs and other agricultural products, is steadily increasing, and has had an influence upon that policy of territorial extension beyond the seas to which the nation is now apparently committed.

In this state of facts, every possible mode of promoting the commercial success of each nation in the fierce competition which we witness begins to be studied and discussed. One such mode is the cultivation of the aptitude and skill of the individual man, who is the ultimate factor in this competition. Hence that cry for technical instruction which fills our ears in Europe and which is almost as loud in America. Commercial education is a branch of technical instruction in general, and may be described as that branch of it which is concerned not so much with the methods of production as with the methods of distribution, that is to say, with the processes of sale and purchase. It is concerned with them on their practical side. Economic science investigates the general laws which govern the exchange of commodities. The art of commerce deals with the practical forms which the process of exchange takes, shows the reasons for those forms, explains how they ought to be conducted, and cultivates the various talents which are needed to conduct them with efficiency and success.

That there is any such Art of Commerce is a comparatively recent notion. Thirty or forty years ago, it was not supposed, either in England or in America, that any special training was needed for a business life. The phrase "a commercial education" was in-

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deed familiar. But it meant merely a non-classical education, that is to say, an education which included no Greek and very little Latin; and in practice it was understood, in England at least, to mean something "cheap and nasty," an illiberal education, an education below the level of the conventional gentleman. That it is now beginning to be used in a quite different sense, as denoting a special preparation for business, analagous to the special preparation given to physicians or lawyers or civil engineers, is due not to reflection on the part of Englishmen, but almost entirely to the example of foreign countries and, in particular, of Germany, France and Belgium. In those three countries such special preparation has been given for many years—the great Institute at Leipzig was founded in 1852. Yet the example of Germany would not have told upon the English, who had long deemed themselves the first commercial people of Europe, but for the amazing development of German manufacturing industries and German export trade which began to attract notice soon after the war of 1870, and has latterly threatened the old supremacy of England. Thirty years ago the English thought the Teutons of the Continent mere theorists, and would not have taken any lessons in practical matters from them. To-day the achievements of Germany in applied science and the expansion of her export trade have set all the rest of Europe to study her methods, and to try to profit by them. Even now people in England are not prepared to go nearly as far as the Germans go in their faith in the value of education, nor in the willingness to keep young men at school preparing themselves for business when they might be actually engaged in it. We in England are really only beginning to discuss the whole subject, and though it is constantly talked of, few positive conclusions have yet been generally accepted, and still less has been done to establish systematic commercial instruction on a large scale. I gather that this is, speaking broadly, the case in America also, though in some American cities a better educational provision has been made than yet exists in Great Britain. Accordingly, in the remarks which follow, I shall deal with general considerations rather than with details, and endeavor to state some principles which may hold good both for America and England.

There are, no doubt, important differences between America and England. What is called secondary education—that is to say, education higher than elementary—is much more a matter

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of public concern in America, where every State has a system of grammar schools or high schools maintained by public funds, whereas in England it is only primary or elementary education that is everywhere provided at the public cost. In America the ancient classical languages have not formed so large a part of education as they have done in England and Scotland. In the United States, separated from Europe by a wide ocean, and with no foreign language spoken on its borders except Spanish (for the trifling exception of French in lower Canada may be disregarded), modern foreign languages are of less importance to a business man than they are in England. And in the United States the conditions of economic and social life have given a keenness and versatility to the mind of young men, a quickness in adapting themselves to changes in trade and a readiness to shift from one kind of business to another, which are more rare in an old and settled country like England. Nevertheless, the main conditions of the problem remain similar for England and for America. The intellectual character of the two nations is fundamentally the same. Their social ideals do not greatly differ. The prejudices which lie hidden in their minds operate in the same way. And though America has a far larger home trade than England, she is becoming hardly less eager to develop her foreign trade. Accordingly, what I have to say will, if it is true, hold true for both peoples.

The first question to be considered, for if it is answered in the negative there is an end of the whole matter, is whether a special preparation for commercial life is really of any practical use at all. Some men of business say it is not, holding that business is a thing which can be learned only in an office or a warehouse, all previous training being thrown away, because such training is given before the concrete facts of commerce have become familiar. This objection might perhaps be answered by an appeal to the experience of Germany, France and Belgium, where commercial opinion is almost (though not quite) unanimous in setting a high value on special training, and where in consequence public authorities of all kinds have been at great trouble and expense to provide it. But the objection is so deeply rooted in the minds of many business men who, though they do not say much, exert a wide influence, that it deserves to be dealt with. It seems to rest largely upon two misunderstandings. One is the notion that the advocates of commercial education expect it to turn every boy

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into a competent business man. Now this is what no education will or can do in any trade or profession whatever. Many young fellows of good ability, who have had the best instruction money can buy, do not succeed, whether it be in business, or in law, or in medicine, or in soldiering, because a host of other things besides ability and education are elements in success. Industry, sobriety, steadiness of application, pleasant manners, social tact and knowledge of human nature, the power of inspiring confidence, be it confidence in your honesty, or confidence in your tenacity of purpose, all these things count for much in winning success in any and every walk of life. A physician, or a lawyer, or a soldier may fail for want of some of these gifts, but that is not deemed a reason for omitting to give him all the knowledge needed for his profession. So with business. No amount of teaching, or for the matter of that, no amount of cleverness, will ensure success in business. All that special preparation can possibly do is to make those who have the natural gifts that lead to success somewhat better, and to make those in whom these natural gifts are deficient somewhat less bad. And as the majority of young men are neither so capable as to be sure of success, however ill trained, nor so incapable as to be sure of failure, however well trained, the difference which training may make seems sufficient to determine us to give it.

The other misunderstanding arises from supposing that it is claimed by the advocates of special commercial preparation that a young man so prepared will, on his first admission to an office or a warehouse, be as useful to his employer as if he had entered it two years sooner, having spent those two years in the office instead of at school or college. But this is not what is claimed. Suppose A and B, two boys of equal diligence and talent, finish their general secondary education at the age of fifteen. A is put forthwith into an office. B goes through a course of special commercial instruction, and enters the same office when both boys are seventeen. B will for some months know less of the ordinary routine work of the office than A knows, and so far will be less useful. But two years later, when both boys are nineteen, it may well be that B having acquired the requisite familiarity with practice, will be able to bring his special knowledge and trained aptitude into play, and be more useful to his employer, more likely to achieve ultimate success than A, whose knowledge and skill will remain permanently inferior. Accordingly, that which is claimed for special prepara-

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tion is, that though its results cannot bear full fruit till after some time, they make so great a difference to a man's capacity for ultimate success that the time spent on receiving special instruction, during a period of some months or years before he enters business, is better spent than it would be in the office or the warehouse during the same period. Assuming for the moment—since this is a matter to which I will return presently—that there are aptitudes which can be trained and facts which can be imparted specially useful for a business life, this argument would seem to be sound, and it is confirmed by the parallel cases of some other employments and professions.

We are now able to approach what is really the chief practical difficulty of the subject, viz.: the extreme variety of the kinds of work which are summed up and covered by the general term of Business or Commerce. Business is not an occupation like medicine or law, with a definite scope, and requiring a well-understood body of special knowledge. It covers all sorts of avocations. There is wholesale trading and retail trading in the home market. There is export trade and all that pertains to shipping goods abroad. There is banking and finance. There is stock broking and the dealing in all sorts of securities. There is the work of accountants and actuaries. There is railroad management and the whole field of transportation. There is insurance business in its various forms. And this list might be indefinitely extended by enumerating minor varieties of business, not to speak of the diversities of goods dealt in, a knowledge of one class of which will be of little use to a man when he comes to handle another class. How is it possible to frame any scheme of commercial education which shall cover these diverse kinds of work, yet how is it possible for a youth to know beforehand—that is to say, in his school years—what kind of work it is that circumstances will lead him to enter? Few young men have the pleasant knowledge that positions in an office or warehouse are waiting for them. They must take the first, or the most promising, opening they can get.

This seems a formidable objection, but there is a twofold answer to it. In the first place, one must distinguish between the aptitudes that are needed for business, and the knowledge which will be serviceable in business. Now the aptitudes wanted, the mental qualities which make for commercial success, are pretty much the same in every form of business. I will inquire presently

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what those qualities are; meantime it is sufficient to say that whatever can be done to train and develop them may be done equally well whatever the particular department in which they are to be afterwards employed. Secondly, though it is true that some kinds of knowledge are needed for one sort of business, other kinds for other sorts, still there are branches of study a proficiency in which will be valuable whatever be the special form of trade wherein a man may be occupied. A knowledge of foreign languages, for instance, though more helpful to a youth entering an export house than to one who is to serve a railway company, can be turned to some account in a good many different kinds of commercial life. The power of rapid calculation, and especially of calculating without the aid of paper, is always profitable. A knowledge of the elements of finance, or of the terms of book-keeping, or of the ordinary operations of trade and the documents used therein, invoices, bills of exchange, and so forth, is a kind of knowledge all business men ought to have. Accordingly, it seems a fair conclusion that there are certain elements common to commercial education which can be taught with advantage to all young men preparing for business, and which may therefore be made the regular and normal foundation of a commercial course. More special topics, a mastery of which will be valuable only in some special line, such as banking or stock-broking, or railway work, may be taught in a large city, where the number of persons wishing for instruction in such topics is large enough to make it worth while to supply the teaching. In London, for instance, or in New York or Chicago, there is hardly any particular branch of business in which a public institution might not be expected to provide instruction, because there would be a demand sufficient to fill the class room. But in cities of the size of Nottingham or Newcastle in England, of Buffalo or Pittsburgh in the United States, this would hardly be the case. In them it would be enough to teach the subjects of confessedly general utility.

This brings us to the question of what commercial education really is, what it ought to include and cover. And here let us revert to the distinction already drawn between Aptitudes and Knowledge. The function of a proper course of special perparation is to deal with both of these. It ought to aim at forming and training the mental faculties most needed in business, and it ought to impart the kinds of knowledge most serviceable in business.

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Beginning with the Aptitudes—and I am speaking of intellectual aptitudes only, for those of a moral nature, important as they are, do not come into our present inquiry—there are two which seem to be specially conducive to commercial success. One of them is the habit of observing, that is to say, of observing quickly, keenly and accurately. It is a habit precious in all walks of life, invaluable to the physician, the traveler and the novelist, valuable to the lawyer, the farmer and the politician. To some classes of business men, as for instance to the selling agent or the commercial traveler, it is just as valuable, and in fact makes all the difference between success and failure. Though no doubt largely a natural gift, it is one which may be greatly inproved by appropriate training, one which may be trained from very early years. The sciences, commonly called by the name of Natural History, such as botany, entomology and geology, afford an excellent means of teaching boys and girls how to observe, and this can also be done in the practical parts of elementary chemistry and physics. In a somewhat different way it can be done also in the teaching of language, *i. e.*, the pupils may be stimulated to notice and try to explain differences of phrase, or differences in the way in which two languages express a similar idea. However, it is chiefly of observation through the senses that I am thinking, and for training in this nothing is so good as natural history.

The other mental habit is that of reflecting on facts observed, of putting facts together and asking the reason for them. This again, as everybody knows, is a faculty and habit of the utmost utility to men in every walk of practical life, and I mention it in connection with business only because many people who understand its utility for the professional man or the m n concerned with applied science, are apt to forget that it is quite as useful in modern commerce. Commerce has become a far more complex affair in our time than it ever was before, and can, less than ever before, be successfully prosecuted upon any routine or rule of thumb system. The conditions of trade change from day to day. New scientific discoveries, new financial complications, new political situations, enter more and more as factors into many branches of commerce. A man's mind needs now to have not only a watchful alertness in noting such changes, but a capacity for appreciating the consequences which a change may have upon matters which seem to lie out of the immediate sphere of its influence. In short,

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since the problems a business man has to deal with are now more intricate and delicate than in older and simpler days, the business man needs always more and more to accustom himself to think about those problems, approaching them from every side and not merely adopting the view which he finds among his friends or in the newspapers. He has to beware of trusting to fixed ideas and positive rules. He must watch the commercial and political sky as the captain of a sailing ship watches the carry of the clouds and the movement of the barometer, and the freshening of the wind, and the direction of the swell. And his observation must be a reflective observation, leading him on to a forecast. All this is obvious when one comes to think of it; and I dwell upon it only because the old idea that business was an easier sort of occupation than the learned profession, needing a less active intellect, still half survives in many quarters, and disposes men to underestimate the worth for commercial life of a stimulative intellectual training.

As to the means by which education can form such mental capacities as I have described, this is a matter much more of the skill of the teacher than of the particular subjects taught. A first rate teacher will handle any subject in a way to excite and interest the pupil's mind, and will estimate his success much less by the quantity of information wherewith he has furnished the pupil's memory than by the habits of acute, independent, consecutive and concentrated thinking which he has enabled the pupils to form.

We may now come to consider the branches of instruction which a commercial education ought to include. And here it is first of all necessary to distinguish between the classes of persons for whom provision is to be made. Three such classes may be distinguished. There are those who finish their general education, so far as it is given in school, at fourteen years of age; those whose parents' means enable them to continue their general education till sixteen; and those, the sons of the comparatively rich, who can afford to stay at school and go on completing what is called a liberal education till eighteen. Evidently a different commercial curriculum must be instituted for each of these three classes, that for the second being wider and higher than that which can be taken by the first, and that for the third going still further and higher than that suited for the second.

For boys leaving school at thirteen or fourteen, and desiring to enter an office or a warehouse at the earliest possible moment,

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no very extended course is possible. They have not time for it, their minds are not sufficiently mature to be fit to tackle abstract topics, and their knowledge of life is too small to make the teaching of things which presuppose some knowledge of life profitable. Accordingly, the most that can be done for them seems to be to provide instruction in one or more of the following branches:

(1.) A practical mastery of commercial arithmetic, and especially a training in the habit of quick and accurate mental calculation, without the aid of the slate or paper.

(2.) The elements of commercial geography, based on the elements of physical geography.

(3.) A modern language, French, German or Spanish, whichever may in the particular locality be most desired.

(4.) Shorthand and book-keeping. There is some controversy as to the value of these subjects. Some high authorities doubt whether book-keeping can be profitably taught before the boy has entered an office and seen what books are for. The point is one for practical men to settle.

(5.) English composition, not with the view of forming what is called style, but in order to accustom the boy to state what he knows in the clearest and fewest words, and especially to show him how to arrange his ideas. Composition is seldom well taught, at least in English schools; and the teaching of what is called English grammar has in reality less to do with it than is commonly supposed. If more pains were spent on making a boy think of the precise meaning of what he has to say and the order in which it ought to be said, and less trouble taken about mere grammatical terminology, better results might perhaps be attained.

For young people who leave a secondary school at sixteen, it is both possible and desirable to provide a wider range of instruction directed to commerce. The programme should include the following subjects, though not all these would be taken by all learners.

(1.) Modern languages.

(2.) English composition, including practice in the art of analyzing and summarizing the contents of documents or reports.

(3.) Shorthand and book-keeping (but consider remark made above).

(4.) Commercial geography and the movements of the exchange of commodities in the world at large.

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(5.) A general view of the industry and trade of the country.

(6.) The elements of business practice, *i. e.*, a knowledge of the chief operations which belong to commerce in general, including the nature of the documents most commonly used, and a comprehension, which though elementary need not be superficial, of the nature of incorporated companies and partnerships, and the use and functions of banks.

(7.) The elements of political economy, especially those branches of it which relate to exchange and finance.

Finally, we come to those who pursue their general education up till the age of eighteen at least, some of whom will wish then to enter on a special preparation for commerce, while others will first take a university course and then, if they have time left before they enter commercial life, will desire to learn something calculated to be specially serviceable to them in it. The number of such persons will be comparatively small, for few indeed are those whose pecuniary means permit them to postpone the beginning of their active business life to so late a point. But the class, if small, is important, because it will chiefly consist of the sons of men who are already at the head of established manufacturing or trading firms or corporations. Such young people will step at once into positions of responsibility, in which it is desirable that they should have as wide and intelligent a view of business as education can give them. Besides modern languages and the subjects numbered (5.), (6.) and (7.) in the last foregoing list, the teaching of which, and especially of (7.), would for them be carried to a higher point, they should be encouraged to study recent economic history and the elements of commercial law, and might be taught how to deal with statistics, and the art of intelligently watching markets, and understanding the conditions which govern the price of securities.

The highest commercial schools of Germany, France and Belgium teach all these things as well as some others which to our English eye appear, if not superfluous, yet so far from being essential that it is not likely that an English or American public would set a high value on them. They also attempt to teach a knowledge of products and goods generally, a subject which seems to belong rather to a special course suited for a particular locality than to a general curriculum. Nor do I mention chemistry, physics, or the other branches of natural science, because universities and technical institutions already exist for teaching them.

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The question in what way provision should be made for enabling persons belonging to each of the three foregoing classes to obtain the instruction suited to their needs, can not be answered generally. It depends very much on the locality and on the habits of the people. As the boys whose general education stops at fourteen can very seldom afford to forego the chance of beginning to earn somthing at once, very few of them can be expected to attend day classes giving special commercial preparation. It is by evening classes that they will usually be served. Of those on the other hand who leave a secondary school at sixteen, a certain proportion might give a year to the special commercial course. Yet existing habits, both in the United States and in England, make it probable that the majority will content themselves with getting taught in the evening after their day's work is done. Instruction given to those already tired is, however, much less efficient and in Continental Europe this is so strongly felt that day classes are warmly recommended. As young men of the third and wealthier class occupy a freer position, it may be hoped that a larger proportion among them will devote their whole time and energy for a year or two—in Germany, France and Belgium the course is one of two years—to systematic commercial preparation. And in the United States, where the number of universities is much larger, relatively to the population, than in England, so that few large towns lack a fairly equipped university, it seems desirable that the subject should be taken up by the universities, and that classes for the scientific study of commercial economics should be brought into a university curriculum. There is nothing lowering to the conception of a university in its undertaking such a function. The true conception of a great seat of learning requires it to provide for the teaching of all the main branches of human knowledge and skill, of the practical arts as well as of what are called the pure sciences, in a philosophic spirit and upon scientific methods. This view has, I believe, already commended itself to some American universities, and it is beginning to make way in England. In Liverpool, for example, the professors of University College (one of the three colleges of the Victoria University) have taken charge of some of the commercial classes recently established in that great mercantile centre. Nor should it be forgotten how much those who are to be the heads of great industrial and commercial firms may gain by being led, at the outset of their career, to look

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upon business as a fit matter for science, as a subject which may engage the higher faculties of thought instead of being regarded solely from the side of pecuniary profit. Nothing would do more to secure sound legislation in all questions of currency and of taxation (and especially in tariff questions) than the possession by a considerable number of leading business men of a mastery of the scientific theory of these subjects. This is true of all countries, but most true of a country which, like the United States, is in the long run governed by public opinion.

The main conclusions to which this rapid and necessarily imperfect survey of a large subject are intended to bear may be summarized as follows:

(1.) The provision of special instruction in commercial matters is desirable, not because special knowledge or training is of great consequence as compared with natural intelligence or with the gifts of character which lead to success, but because the stress of competition is now so keen that no nation can afford to neglect any expedient which may help to give its citizens the best chance.

(2.) The term "commercial instruction" includes some branches of study and training which will be useful to all men engaged in business, and other branches useful only to those who are engaged in particular kinds of work. Provisions for the teaching of the former ought to be made in all considerable cities; provision for the teaching of the latter only in larger centers of population, where a supply of young men desiring instruction in special subjects may be expected.

(3.) The age at which special commercial instruction should begin must depend on the pecuniary means and prospects of the youths for whom it is provided. Three classes may be distinguished according to age, and three types of courses of instruction ought therefore to be provided for these three classes respectively.

(4.) The later the age at which youths complete their general education the fuller and the higher in character should be the special commercial course provided for them.

(5.) The most complete course, and that suited to the more mature minds of older persons, ought if possible to be connected with the university (if any) of the city in which it is to be provided, while of course retaining a distinctly practical character.

It may not be amiss to wind up with two warnings which seem needed to prevent a misconception of what has been said.

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First.—This paper is not designed to argue on behalf of what is called a modern or non-classical education. I am not one of those who think that either the ancient languages, or what are called "literary" or "humanistic" subjects, play too large a part in our schools, either in England or in the United States. On the contrary I believe (basing myself on such observations as I have been able to make) that Latin and Greek, when properly taught, are superior as instruments of education to any modern language, and that "literary" subjects, such as history, are on the whole more efficient stimulants to the mind (taking an average of minds) than mathematics or natural science.

Secondly.—Still less do I suggest that the time allotted to general education, whether elementary or secondary, should be shortened in order to make room for the teaching of commercial subjects. The further he can carry his general education, the better will it be in the long run for the boy or young man, and more would be lost by curtailing the time spent on the subjects which everybody should learn than would be gained by any special preparation for a particular employment. This is a point on which the enlightened and experienced opinion of German educationists particularly insists. They declare that the success of their people in manufactures and commerce is due far more to the thorough and wide training given in their secondary schools than to the provision, ample as it is, which they have made for technical and commercial education, and they add that technical and commercial education succeeds in proportion to the soundness of the general education of the pupils who receive it, and to the extent to which it is conducted upon proper educational principles by highly qualified teachers. This is a matter fit to be remembered in England and the United States, for the demand for commercial education might do more harm than good were it to lead either to a shortening or to a commercializing of general school education, or were it to dispose us to ignore the supreme importance of securing that the teaching of the commercial subjects themselves shall be so directed as to arouse and stimulate the faculties no less than inform the memory of the learner.

JAMES BRYCE.

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THE INDUSTRIAL COMMISSION.

BY S. N. D. NORTH, A MEMBER OF THE COMMISSION.

THE bill creating the United States non-partizan Industrial Commission was many years pending in Congress, was once vetoed by President Cleveland, and was signed by President McKinley, June 18, 1898. It took on divers forms at different stages of its incubation, and as finally passed authorized a commission of nineteen members, nine of whom were appointed by the President from civil life, the other ten being members of Congress,—five Senators appointed by the Vice-President, and five Representatives appointed by the Speaker. In making their appointments, the latter chose largely from the membership of the Labor Committees of the two houses. The President went into all walks of business life, and three of his nine appointees are recognized as representatives of organized labor.

There is no precedent in the United States for a body so incongruously made up. The injection of the Congressional element into the Commission is due to the reluctance of Congress to delegate its own functions. By claiming a majority of the Industrial Commission, Congress compromised with its old-fashioned prejudices. Experience has already proved that the Commission must rely almost wholly upon the presidential members for the routine work. The claims upon a Congressman's time are so absorbing, that absenteeism has chiefly distinguished their connection with the Commission thus far. But the membership from Congress has already proved itself valuable in an advisory way, and this service will increase in importance as the Commission approaches the formulation of results. The mixed organization has its precedent in several of the English Royal Commissions, and it will keep this body closely in touch with Congress.

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The object of the Industrial Commission, as broadly stated in the act creating it, is "to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing and to business," and, as a result of its investigations, "to suggest such laws as may be made the basis of uniform legislation by the various States of the Union, in order to harmonize conflicting interests and be equitable to the laborer, the employer, the producer and the consumer."

This reads like a wholesale commission to reform the industrial world, to invent the missing panacea for the ills that afflict mankind, to point out the royal road to universal contentment and prosperity which the world has sought in vain since the days when "Adam dolve and Eve span." But that is the superficial view of the matter. Recognizing the obvious and impassable limitations upon the work of the Commission, there remains a field of effort which is not merely important, but may be said to have become imperative. There come times in the onward march of industrial civilization, when it is necessary—if one may be pardoned a wholesale mixing of metaphors—to pause and take account of stock; to strike a balance between conflicting interests; to take an observation by the sun, and determine with accuracy the direction in which the craft is sailing. The most famous precedents for the establishment of such a commission of inquiry are those furnished by Great Britain. At least three Royal Commissions on labor, the last one appointed in 1891, have been put "to inquire into the questions affecting the relations between employer and employed, ... and to report whether legislation can with advantage be directed to the remedy of any evils which may be disclosed, and if so, in what manner." The reports of these bodies, apart from any remedial legislation which may have sprung from them, accomplished a tremendous service to industrialism, in clarifying the situation and teaching both employer and employee how far the world had advanced beyond the conditions which prevailed in industry at the opening of the century, when the factory system was young and perfected machinery had not yet worked its magic transformation. The report of the Commission of 1891, in particular, may be described as the most important publication on the labor question that has yet been written. Its effect upon the economic literature and thinking of the day is beyond measurement.

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It is doubtful if the United States Industrial Commission can produce a report at all comparable to this in character and importance. But it has an opportunity at once splendid and unique. It has a field of investigation that is almost unexplored by any such governmental authority. It is true that Congressional Committees have constantly entered upon it, as in the case of the Abram S. Hewitt Committee and the so-called Blair Senate Committee, both of which printed great volumes of testimony, but neither ever made any report. These Congressional investigations have been haphazard and incomplete, for the reason that the time of Congress is engrossed in other matters, and politics has been inseparable from the work, in the nature of things. From whatever cause, it remains the fact that there has never yet been any systematic attempt to officially investigate and report upon the changed relations of capital and labor in the United States, and the adaptability of our national and State laws to the new industrial conditions which have arisen in consequence.

Moreover, the time appears to be peculiarly opportune. We are not simply on the turn of the century, but at a point of new departure in American industry. Emerging from a long period of depression, victorious in a brief but glorious foreign war, we are apparently entering upon a commercial and business expansion without parallel in our annals. We are forcing our manufactured goods into the world's markets with a sudden success that surprises ourselves, and startles our foreign competitors. We have long been in the habit of manufacturing on a larger scale than commonly prevails elsewhere, as M. Emile Lavasseur has pointed out in detail; but we are entering now upon an era of combination and consolidation, involving a revolution in the economic conditions of production, the far-reaching effects of which can neither be seen nor imagined. We have reached a point of perfection, in the organization and solidarity of the labor of the country, which is fast substituting collective bargaining for the individual contract in our great industries. Labor saving machinery is becoming more perfect and more omnipotent every day, and electricity is creating a new mechanical revolution no less portentous than that which came with the introduction of steam. Causes and effects are everywhere visible undreamed of ten and twenty years ago. It is this new and strange industrialism that the Commission is called upon to study, to analyze and

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to interpret, in the light of all the wisdom it can gather from those who are participating in it.

The study takes on two phases, distinct and yet so closely associated and interwoven, that at many points they are inseparable. One is the legal, the other the sociological phase. The act commands the Commission to inquire into and report upon the status of industry before the law in the several States of the Union. Here is a phase of industrialism to which Congress has never paid any attention, and which is unique in the United States. In Great Britain, where Parliament legislates in both large and small affairs for the whole kingdom, the same factory laws apply equally in all parts of the country, and one manufacturer can get no advantage over another by changing the location of his mill. The same is true of France and Germany. But in this country, there has been growing up very rapidly during the last twenty-five years, in our great manufacturing States, a heterogeneous body of labor laws, so called, which aim at supervision, by the Government, of the relations of employer and employee Under the operation of these laws the conditions governing manufacturing enterprise have been profoundly modified. Competition in industry has grown so close, that the economic effects of this legislation are now recognized as an important factor in production.

The diversity of the labor legislation of the several States is almost startling. There are no two States of the forty-five, in which the conditions governing industry, so far as they are regulated by the State itself, can be described as at all similar. Examining all these laws, in all these States, noting their points of variation and contradiction, they impress us as a legal farrago, lacking the most rudimentary elements of a uniform system, such as should prevail in a country which boasts equality of rights to all its citizens. To illustrate by obvious instances, the laws fixing the hours of labor for women and children in manufacturing establishments, vary from fifty-six in New Jersey, fifty-eight in Massachusetts, sixty in other New England States, in New York and Pennsylvania, to 72 in southern and southwestern States. The age limit at which children can be employed in these establishments varies from fourteen to thirteen, twelve and eleven, until it strikes certain States where there is no legal limit whatever. The employers' liability laws are as wide in their provisions

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as the continent itself. Factory inspection is enforced with varying stringency in half a dozen States, and entirely omitted in the rest. Such instances of discriminating legislation are beginning to tell in the reinvestments of capital and the relocation of industries. They reveal an unequal development which demands an intelligent effort in the direction of unification.

In one sense it is a situation beyond the power of regulation. Congress cannot interfere, for these are matters that appertain strictly to the States. The most the Industrial Commission can do is to supply an analysis of these conflicting statutory provisions and a report of the actual operation of the various labor laws, upon which it can base recommendations showing which of them can be adopted with advantage by such States as do not now possess them. The first step in the direction of intelligent unification will thus have been taken. The rest must be left to time and public opinion. The current will at least have been set in the right direction, and we may hope for the ultimate upbuilding of the semblance of a national code of labor laws, under which the working classes can be assured that they are receiving, so far as the State can determine it, the same treatment and consideration, whether they live and work in an Eastern State or a Western State, and the employer can feel sure that the laws which regulate his business are sufficiently alike to give no legal advantage to any competitor anywhere in the Union. The work of the Industrial Commission, so far as I have above outlined it, may be compared to that of the Statutory Revision Commission of the United States, a body consisting of commissioners from the several States of the Union, which aims to bring about a like uniformity in the general statutes of these States, and which has accomplished some tangible results since it was first organized. The Commission has taken an important step looking toward general co-operation in the work of the two bodies, by securing as its advisory counsel Mr. F. J. Stimson, of Boston, who is the secretary of the Statutory Revision Commission, and who is well known besides as a student of labor legislation and the author of text books on the subject.

I do not wish to be understood as being over-sanguine of the results that are likely to follow the work of the Commission in the field of uniform labor legislation among the States. That the work it has been set to do in this field is necessary and im-

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portant cannot be intelligently questioned. But the obstacles that oppose any immediate results, except of an educational character, are formidable almost beyond the point of exaggeration. Foremost among them may be stated the essentially different civilizations which prevail in the United States. The conditions of life and of labor are not the same in Massachusetts and in South Carolina, and cannot be made the same by any laws which human ingenuity can devise. The one State has carried her factory laws to an extreme which leads her capitalists to cry out that they are being smothered to death under restrictive legislation; the statute books of the other commonwealth are practically free from all such laws. The difference is due to scores of causes operating divergently through a century, and it may be that another century will pass before co-equal conditions assert themselves. A single potent cause largely controls the economic conditions of the problem as between the two communities. In one State the factory windows are open the year round; in the other artificial heat must regulate the temperature of the mill more than half the time. The influence of climate extends to the quality and quantity of food the operatives must eat, to the clothing they must wear, and thus to the wages they must earn. It even affects the age of puberty, and creates a different standard for the age limit in child labor. It would be absurd to say that one Procrustean system of labor legislation is or can be equally applicable, in all its details, to the northern and the semi-tropical communities. Moreover, it is plain that the valid argument against uniformity which climatic conditions present, will be effectively utilized to resist legal enactments looking toward uniformity, from selfish considerations of a local character. So long as freedom from restrictive legislation, coupled with certain other advantages, tempts Northern capital into South Carolina, for investment in cotton manufacture, there is an influence at work more potent than the pressure of public opinion from other parts of the Union. So long as localities can successfully tempt manufacturing establishments into their midst, by offering bounties in the form of exemption from taxation, they are likely to continue to extend these bribes, however desirable they may admit it to be, as an abstract proposition, that taxation shall be uniform throughout the United States. When we take cognizance of the differences in taxation which exist to-day be-

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tween nearby States and localities, and their causes, we best understand the hopelessness of any movement which aims at establishing exact equality of condition in this country.

In the matter of the hours of labor, the possibility of uniform legislation appears equally remote. This is the question which, more than any other, is just now close to the heart of organized labor in the United States. The sociological argument upon which the trades-unionist bases his demand for an eight-hour day is tremendously reinforced by the demonstrated fact that improved machinery is capable of producing in all staple lines of goods faster than the consumption of the world can dispose of the product. Equally true is it that the argument for a shorter working day is stronger in a hot and debilitating climate than in the North; as a matter of fact, it is only in the Northern States that the movement has made any headway.

Again, the presence of great masses of colored labor in the South presents another phase of the problem which is certain to grow more troublesome and more insistent as time passes. It is a body of labor which accepts lower wages than white labor, and is constantly pushing itself into new fields of competition with white labor. The negro problem, in its political phase, is the perplexity of this generation: its industrial phase is to become the perplexity of the next.

And so we say that each great section of our great country must be left to work out its own problems in its own way, and in keeping with the peculiar environment of each. The country is too big for a strait-jacket. But all parts of it can learn from the experience of other parts, and the Industrial Commission can be of service by increasing the general knowledge of the industrial methods which prevail under such diverse conditions.

Growing directly out of this phase of the work is the study of the relations at present existing between capital and labor,—the sociological side of the question, as contrasted with its legal side. Here the Commission already finds itself enveloped in a cloud of conflicting theories, of ill-digested facts, and of antagonistic interests. The Commission is not likely to forget that it does not possess the philosopher's stone, and has no insight into this insoluble world problem, which has been denied to other and wiser students. Nevertheless, it sees certain directions in which it can hope to render a useful service.

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In the first place, it recognizes in itself a sort of safety valve for the country. People who suffer wrongs, whether real or imaginary, always feel better when they are allowed an opportunity to ventilate them before some recognized governmental authority where they are insured a respectful hearing and a certain degree of consideration. It was a large part of the purpose of Congress, in creating this Commission, to establish a quasi-tribunal, or national forum, if you please, before which anybody and everybody who thinks he has a wrong to expose or a panacea for existing social or economic evils, can appear and state his case. Congress has little time and less taste for such things. It is the chronic complaint of social reformers and professional agitators, that they can get no hearing at the hands of the Government. Nothing helps toward the evaporation of discontent so much as an opportunity to give utterance to it. Recognizing this trait in human nature, the Commission is prepared to listen to everybody who may choose to present himself at its headquarters in Washington, for the purpose of exposing evils or suggesting remedies. Later on, it will probably send sub-commissions to the chief cities to give a wider opportunity to be heard. In the meanwhile, its mail is already loaded with communications from all parts of the country, in which the writers propound their views with freedom and fullness. An expert will digest this material, and separate the wheat from the chaff. On its own initiative, the Commission will summon comparatively few witnesses, confining its invitations to persons who can shed some valuable light, through study and experience, upon the conditions of our industrial life. One hundred such picked witnesses can furnish more material for its reports than a thousand men drawn at random from the ranks. Organized labor will be represented before the Commission by the chiefs of its great representative bodies,—the flower of the working class,—the leaders who have been studying conditions and moulding the opinions of their unions for the better part of their lives. On the other hand, in selecting "captains of industry" to explain the employers' side, men will be chosen who, by the immensity of their enterprises, the length of their experience, or the peculiar success which has attended their relations with their employees, may be assumed to know something which ought to be generally known. Out of such a crucible should come a consensus of judgment similar to that of the British Royal Commission,

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which was remarkable as an exact statement of the points at issue between the two forces of industrialism, of the arguments by which each side reinforced its contentions, and of the points at which agreement had been reached, or seemed to be gradually coming within reach.

A similar statement based upon ascertained facts, is much to be desired in the United States. It will certainly show that immense progress has already been made in certain sections of this country, and in certain of its great industries, toward the peaceable adjudication of the chronic dispute about wages and the conditions of employment. It will show that the situation, however hopelessly pessimistic it may outwardly appear, is full of signs that labor and capital, instead of drifting farther and farther apart, are gradually learning not only the necessity, but the methods, of keeping together. The country as a whole is only dimly cognizant of the progress that has been made, in many industries, in the matter of collective bargaining, in the adjustment of wages on the basis of sliding scales, determined after the fullest interchange of definite information as to costs, profits, and general industrial conditions. The upshot of the whole matter is, in its last analysis, that the great underlying cause of strikes, lockouts, boycotts, and the great bulk of recurring labor disputes, is ignorance,—ignorance on the part of both employer and employed, as to the exact status which must always determine whether wages are properly adjusted. If the Commission can make this fact appear, if it can bring it effectively to the attention of those who chiefly suffer in consequence of it, it will have performed a service to the country worth a million times its cost in dollars and cents. This, in a word, is the chief function of the Commission. It is in its capacity as a great educational machine that its best results are to be anticipated.

I have indicated above some of the chief problems with which the Industrial Commission has been called upon by Congress to deal. In truth, the whole gamut of modern ills is embraced in the single sentence of the law which we have quoted above. When it was first brought face to face with the shoreless sea of inquiry upon which the Commission was launched, some of its members were tempted to think that Congress might have been perpetrating a gigantic joke, in proposing that nineteen men, chosen at haphazard from our seventy millions, should sit down to-

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gether and mark out a short cut to the millenium. But they went to work in good faith to see how these matters might be segregated. Their first discovery was that they naturally divided themselves into four grand groups, and, accordingly, the Commission separated itself into four sub-divisions of five members each, which have respectively to deal with problems peculiar to Agriculture, to Manufacturing and General Business, to Mining, and to Transportation. Composed of members of each of these sub-commissions, they made a fifth, called the sub-commission on statistics, to which they intrusted the important task of collecting and classifying the mass of material already at hand, in the shape of government and other statistics, reports, etc., relating to these various questions. The Commission does not propose to duplicate any of the official statistical and other information already available for its use. Literally, millions of dollars have been expended in the collection and publication of these *data*. Having thus segregated its work into four groups, the Commission has further defined it by putting out, for each sub-commission, a typical plan of inquiry, patterned somewhat after the syllabus of the British Royal Commission, and suggesting in outline the topics with which the several investigations may concern themselves. These topics run in number from fifty up to a hundred or more, many, however, being duplicates of each other, where the topics appertain equally to two or more fields of inquiry, as trades-unionism, immigration, education, etc. A dozen or less of these topics are big and portentous enough to occupy the entire time of the Commission for the two years to which its life is limited. Take, for example, the non-competitive employment of convict labor, options in grain and produce selling, sweat shops and their regulation, not to mention the larger questions to which reference has already been made. As its work develops, the Commission will find these big topics crowding the minor ones to the rear, and it will avoid the danger which comes from attempting to cover so much ground that none of it can be covered thoroughly.

As a case in point, the creation of the Commission was contemporaneous with the epidemic of industrial reorganization and consolidation now sweeping over the country. The manner in which it deals with this question will determine the country's judgment upon the entire work of the Commission. It understands that it must handle it fearlessly, intelligently and ex-

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haustively. It is preparing to approach the subject in a manner quite different from the haphazard treatment it has thus far received at the hands of Congressional and Legislative Committees. It has appointed Professor Jeremiah W. Jenks, of Cornell University, as its expert agent to study the question of industrial combination and consolidation from the economic point of view, and to collate and analyze the facts in their bearing upon prices, upon the wage earning class, upon production, and upon the community as a whole. Professor Jenks enters upon the work with the advantage of many years of special study of the question, in connection with his economic teaching. Under his guidance, the Commission will seek to present a definite summary of the causes, methods and results of this industrial phenomenon. Certainly there is no information of which the country is quite so much in need. Almost before we have been able to realize what was going on, the manufacturing industry of the United States has been transformed from the competitive to the monopolistic or quasi-monopolistic basis. We are to-day face to face with conditions without precedent in history, which set at naught all the time-honored maxims of political economy. It is impossible to exaggerate the effect upon the future life of our people, and upon our social and political institutions. Neither is it possible to reverse or to suspend the experiment. In defiance of the frantic efforts of Legislatures to check their progress or to embarrass their operations, these Goliath combinations have already seized upon the great staple industries of the country; they represent to-day a capitalization,—including the water injected,—nearly equal to the whole amount of capital reported to the Eleventh Federal Census as employed to carry on all the big and little industries existing in 1890. What has been done cannot be undone,—until such time at least as it shall undo itself in what now appears to be the inevitable reaction. But it is plain that a definite governmental attitude toward them must be formulated. A mass of abortive laws encumbering the statute books of many States has failed to stop the consolidation of industrial plants. The time has come when some method for their effective regulation must be devised. The Industrial Commission has here a rare opportunity to render a service vital to the future welfare of the country. It may fail utterly to meet the situation. It will not be surprising if it does, because it now seems one that can only be left to its own

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solution. On the other hand, if it shall be able to work out some definite and effective method of dealing with this modern force of non-competitive capitalization, it will have justified its creation, though it should accomplish nothing else.

I have endeavored to give some hint of the modern Pandora's box from which the Industrial Commission is expected to lift the cover, and some ground for belief that the hope it seeks to find at the bottom of the box will not prove altogether elusive. I accept its existence as a recognition of the fact that the well-being of the humblest citizen of the Republic is the first concern of the government. Much remains to be done in fulfilment of the promise upon which this great nation was founded, the promise of the preamble of the constitution, "to establish justice, insure domestic tranquility, . . . promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Summing up our experience, we must all agree that while these great blessings have abided with us, as with no other people on the globe, yet there is always opportunity for the more complete realization of each of them. We cannot too often or too strenuously try, by too many expedients, to remedy even those ills inherited from the ages, which most persistently defy the humanitarianism of civilization. We may easily make the mistake of assuming that legislation is the cure-all for each and every social evil. A wise old saw says that "that country is the happiest which is governed the least." But wiser still is the remark of Sir Arthur Helps, that as civilization grows more complex, the necessity for governmental regulation of the relations of men increases correspondingly. Paternalism in government is a term many of us have been brought up to abhor. Nevertheless, we are compelled to realize that organized society, as represented in the Government, acquires new responsibilities with every new advance in civilization. First among these responsibilities is a knowledge of the facts of every day life among the masses of our people. No price can be too high to pay for it. And if the Industrial Commission can add to the general knowledge we have of these conditions, and thus prepare the way for some improvement in them, however slight, it will have justified its existence.

S. N. D. North.

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THE REVERSES OF BRITOMART.

BY EDMUND GOSSE.

In the most chivalrous of all the poems of the world, Spenser has been at pains to describe how that enchanting votaress of Woman's Rights, the incomparable Britomart, met the good knight Paridell at open joust, and utterly smote and overthrew him in friendly combat. This is the *locus classicus* of the feminists, or would be, if women, with their sound sense and their contempt for the immaterial, had not so poor an opinion of literature. I believe, however, that they admit that weak and dreamy creature, Man, to have been unusually well employed when he,—in the person of the author of "The Faery Queen,"—occupied his melodious verse in recounting the "late full and foul indignity" of the war-like knight at the hands of the disdainful Britomart. This celebrated contest, concluded at the Castle of Satyrane, and recounted to us by the Squire of Dames, does complete justice to the claims of Women, even when pushed to their furthest extent. Here we have her separated from any suspicion of family duties; here we have open competition, equality of rights, identical treatment with men on all points. Here is even the much desired "Economical independence," for Britomart appears to have paid her own bill for board and lodging at the Castle. There is no more splendid example in literature of the absolute supremacy of Woman in a free field with Man.

But one little historic circumstance seems to have been overlooked by those who hurried round to congratulate the triumphant Britomart upon her prowess. When the battle was over, and the bruises of Paridell were blackening beneath his festal array, when Sir Satyrane was the enamored host, and Britomart the cold and courteous guest, nothing whatever was said about any mo-

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mentary check to the progress of her victory. The impression was that Paridell had made a very poor resistance,—had, in fact, been rolled over into the mud at the very first close of spears. But a close examination of the text gives us reason to believe that the emancipation of Woman was not contrived with such an absolute rapidity and ease. Paridell was not unhorsed immediately, nor were all the accidents of battle his. It appears in the poem, that when—

> "Their steel-head spears they strongly couch'd, and met
> Together with impetuous rage and force,
> That with the terror of their fierce affret
> They rudely drove to ground both man and horse,
> That *each* awhile lay like a senseless corse."

No reference to this was made at the subsequent banquet, where Paridell presented so tame an appearance, yet, if words have any meaning, it is plain that for some time the fortunes of war hung in the balance. "Each" lay awhile; in other words, there were moments or a moment, in which the panoplied and habergeoned Maiden, having received a heavy blow, was distinctly getting the worst of the fight. It seems worth observing that one of those moments in the history of that great recounter of Feminism, of which the battle of Britomart and Paridell is but a colored shadow, appears to be passing us now. This is a juncture at which the Woman Movement seems to be, not indeed lying "a senseless corse," but suffering a momentary check in the progress of what cannot fail to be its ultimate victory.

In a recent number of this REVIEW, I endeavored to sketch very broadly the tendencies of literature in England during the last five or six years. I drew attention to the materializing of our national dreams, to the startlingly sudden and definite crystallization of our vague desires into prompt action, and I attempted to define the literary result. We saw how unfavorably that tendency to action has affected all the meditative and philisophic parts of literature, and in what an extraordinary way it has nourished and fostered the objective parts. What is true of England, which has merely prepared for war, must be trebly true of America, which has actually engaged in, and accepted for the first time, a momentous policy of imperial conquest. It is certainly true of France, with the wild noises of her witches' sabbath of military wickedness ringing in her ears. All these elements of excitement or alarm have affected the intellectual attitude of the nations, have

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uplifted the masculine elements of speech and have silenced the feminine.

It is obvious that these influences cannot affect literature only,—they affect our entire mental life. Is it surprising, then, that this is not a favorable moment for the expression of the claims of Feminism? As a fact, indeed, those claims have, for the time, been curtailed and withdrawn much more completely than one would have esteemed possible. What I will allow myself to call the exaggeration of the feminine thesis, which reached its point of greatest defiance about 1890, has not, in Europe or America, been advanced since then, but has, in every country, been rather reduced or softened away. It should be obvious,—and yet it has required a practical instance to bring the fact before us,—that although, when there is nothing happening in the realms of peace, Woman will assert her independence, yet, when fighting begins, she is apt to withdraw of her own accord into those primitive conditions of help and home-encouragement which she previously condemned with so much acerbity. In other words, when all is quiet, Woman is very apt to strut about proclaiming her isolation, but when "pain and anguish" wring the brow of her brothers, she becomes once more "a ministering angel" as of old.

One of the leading feminists of the last campaign asserted that "to reduce woman to the bondage of family life is to treat her as an inferior animal." I will not offer any comment on the wisdom or the levity of such a conception of the position of woman, but I must point out that it can only be held in a state of society where there is an absolute basis of political security. If we are to arrive at a condition in which we shall be able to admit that to attach woman to the guidance of the family is to treat her as an inferior animal, it can only be when all chance of material insecurity has passed away. Disturbance of the kind which a threat of war or revolution brings with it, instantly creates for men a field of energy into which women cannot enter; and, at the same time, it makes them more secure in that special sphere where men intrude only when they have no more suitable occupation. I think it is Mr. Herbert Spencer who observes that in primitive societies the unit is the family, and only in advanced civilization the individual. Something of the same kind is true of the influence of war and peace; the latter encourages the individual, the former, with the first threat of disturbance, binds together the units into a family.

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During the period we are passing through, the feminist authorities are silent. It is much to be wished that they would explain to us, in what light they regard the reverses,—political, academic, physiological, sociological,—which they have been enduring all along the line. They fought for many things, but it would perhaps be possible to maintain that all can be summed up in the single word, "consideration." They fought for dignity, for the honor of identical treatment on all points, for "mental independence," for "economic independence." But the result of a wave of disturbances—not a very large one in the measurement of history—has been to accentuate their physical deficiencies in such a marked degree that they themselves have been the first to retreat from the unequal contest. Is it too much to hope that the result may be to prove to them the fallacy of the theory of "identical treatment," and to persuade them that the consideration which they justly demand is to be sought for, not in the same field of action as that of men, but in one where men are incapable of distinguishing themselves? Those who desire to follow the recent history of the movement may do so in the lucid and intelligent work which Miss Schirmacher has recently published* on the subject.

Meanwhile, the most serious home-thrusts which Britomart has received in the tournament, have been given, not by the Paridells and Satyranes, but by her own squires. The present season has been marked by a succession of attacks made by distinguished women on the exaggerations of the feminine thesis. These demand respectful attention from both sides, and are not liable to suspicion as the outcome of sexual prejudice.

I cannot think that I am by nature or by training ungallant. A fashionable birthday-book, in copies of which I cannot inscribe my autograph too frequently or too gladly, assures me that I am "full of reverence for a true woman," and, as we invariably become what we are described as being, I feel that nothing now would persuade me to be unhandsome to the sex. And yet I know not by what diabolical remnant of a barbarous atavism I have to confess that the exaggerated thesis of feminism exasperates me beyond words. What is so lusciously termed, in adoring publishers' advertisements, "a masterpiece of sexual female fiction" makes me positively unwell, not with indignation at its immorality (its

*Paris: A. Colin, 1898.

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morals, poor thing, are of the least possible importance), but at its preposterous vulgar futility. Yet the *clichés* of the old gallantry oppress us still, and a man cuts as poor a figure in opposing the extreme feminism as he does in refusing his seat in a crowded omnibus to a hard-featured woman in bloomers. Accordingly the feminists have it almost their own way, except when duty calls a man to the Spartan protest of the ballot-box. Britomart has an easy conquest over Paridell, simply because an hereditary prejudice makes it a physical impossibility for the knight to give a really business twist to the truncheon of his spear. But when Britomart meets Belphoebe, then indeed the elfin warrior can afford to lie back among the ferns of the forest, and enjoy himslf to the utmost.

An indomitable warrior in the front rank of anti-feminists was the late Mrs. Lynn Linton. It was magnificent to see her sitting, erect, at the tea-table, an apocalyptic light flashing from her spectacles, and to hear her incisive tongue smiting the whole regiment of froward women, hip and thigh. She was no palterer; she put into words everything on the subject which a man might think but would never dare to say. Indeed, her weakness was, that she said (and wrote) so much that no man in his senses would ever wish to say. She was a very clever and a very honest woman, but in her old age she seemed to have forgotten the ancient axiom "that girls will be girls." She was a compromising ally, because she went too far, and mistook for crimes, specially developed in this very wicked age, liveliness and frivolities inherent in youth itself. It was currently believed that, if Mrs. Lynn Linton could only survive to a sufficiently great age, she might come to disapprove of every single thing which any woman under thirty would think, or say, or wear, or do. It is a mistake to allow yourself to become a Jeremiah or even a Savonarola. You lose, by the universality of your diatribes, the influence which a more moderate tendency to censure would ensure you. The consequence was that the extreme feminists snapped their fingers at Mrs. Lynn Linton.

But the enemies of their own sex who have now risen up against them in every country are not so easily to be put aside, because their utterances are more adroit, and because they display neither bias nor ill-will. Miss Arabella Kenealy's discussion of "Woman as an Athlete" has attracted an extraordinary amount of attention. This lady deals with the phenomenon of the muscular

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strength cultivated and displayed by girls in the present generation; and, instead of joining in the customary chorus of gratulation over it, she gravely questions its utility, and gives an array of scientific reasons for her scepticism. She is no haunter of tea-tables or conventional person herself, but a medical practitioner of several years standing and practice. Miss Arabella Kenealy has a long acquaintance with the London School of Medicine for Women, and all her natural sympathies are with an advanced and extended employment of feminine energies. She brings much technical experience to her argument, and no apparent prejudice.

What Miss Kenealy says, does certainly inflict a dint upon the silver armour of Britomart. She tells the women who boast of the marvellous addition to their muscular energies, that they have acquired these powers at the expense of others, at least as valuable and more characteristic. She tells them that they need not be so proud of being able to scour the country on their bicycles and smash their neighbor's windows with their hockey, because in attaining this muscularity they have destroyed the harmonious balance of their faculties. She asks them whether they have reflected that muscle, which they deify, is nothing but means to an end, and whether they justify the neglect of that end. She accuses the tall, fleet girls of to-day of fostering athleticism at the expense of sympathy, emotion and delicacy. Their countenances, a few years ago, were gentle, refined and full of expression; they have now gained the hard "bicycle face" which comes from prolonged muscular tension. In short, she charges the woman-athlete with having sacrificed all her charm to a wiry "fitness" which is no real indication of health, and no proper characteristic of her sex in its normal condition.

What is said by Miss Kenealy has been simultaneously said by woman-writers in Germany and France. Even in Sweden, where gymnastics have so long been deemed imperative for women, and in Switzerland, where they have more recently been introduced, there is a reaction against the exaggerated use of them. From all parts of Europe comes the complaint—and it is expressed pre-eminently by intelligent women—that a clamorous and egotistical type is being encouraged among girls by this excessive athleticism, and that the next generation cannot fail to suffer from these unmaidenly mothers. That the faces of these strapping maidens do not any longer reflect "the haze of the emotions" seems in measure

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to be true. There will probably be a reaction, and we shall see the daughters of Britomart elegant at the harp once more, or bent over the mysteries of crewel-work. I do not believe that any absurdity of fashion "destroys the harmonious balance of faculties;" it can only provisionally disturb it. Nor can I deny that the dreadful picture painted in colors of the thundercloud by Miss Arabella Kenealy strikes me as a little more lurid than experience warrants.

Consequently, it is not the criticism of Miss Kenealy, or even the German attacks on the Woman's Rights party, as exemplified in the novels of Rudolf Gorm, which appear to me to be deserving of very close attention, because, after all, those are destructive. What we want is constructive criticism; we want some one to come forward with a definite theory of how things can be mended. Not enough notice has been given to the contributions of French thinkers to this important subject, although the lucidity and logic of the Latin intellect gives a particular value to French opinion on a subject so commonly abandoned to mere sentiment or prejudice. France took up the feminist theories very late. There was practically no attention paid to them until Mlle. Hubertine Auclerc founded the Women's Rights Society in 1876. In twenty years the movement has made great strides in Paris, where it has been exasperated by much impertinence from journalists and other idle persons, of a kind to which its adherents in Anglo-Saxon countries are not subjected. Quite lately, however, its views, in their exaggerated form, have met with a rebuff at once so grave and so well-founded that it deserves to be known throughout the world. Madame Leméprière's volume, "*Le Rôle Social de la Femme*,"* has made quite a sensation in Paris; but, so far as I know, it has not yet been noticed in England or America.

Madame Anna Lempérière is a lady of wide culture and remarkable intellectual gifts. She is a practitioner in the Parisian schools of philosophy, and she has been looked upon as a bulwark of the extreme feminist party. Of late, however, Madame Lempérière has been led to make a very close analysis of the arguments on which that party base their views, and she has been irresistibly drawn to reject them. Her new book, a very careful contribution to sociology, is at once a denunciation of the errors of the advanced Women's Rights people and a definition of what, in

*Felix Alcan, Paris.

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the writer's opinion, should take the place of those errors. Mme. Lempérière has the advantage of being constructive as well as destructive. Her good sense is eminent throughout her pages. She exaggerates nothing; she resists every attempt to be sensational or even humorous; her aim is solely to discover along what line of action women can expend their forces, so as to do most good for others and to attain most happiness for themselves.

On one point, and that a highly important one, Mme. Lempérière does not at present expatiate. The dangerous isolation of the unmarried, which indeed is what mainly leads to those economical conditions of which an excessive feminism is the fatal result, does not particularly occupy her on this occasion. But the French Women's Rights people have been making the Family the central object of their attack—"to reduce woman to family duties is to treat her as one of the lower animals." The clamor for identical treatment with men on all points precludes the application of the laws of family life. We have been told that the field of women's action must be made precisely the same as man's, and that no opportunism on the matter can possibly be permitted. Mme. Lempérière has no difficulty in proving, what indeed one would suppose to be obvious, that this insistence on identical treatment can do nothing else than accentuate the physical deficiencies of woman. It is true that the physiologists have, up to the present time, been unable to find any difference in the constitution of the male and female brain; and so far as intellect is concerned, there is no radical reason why one sex should be inferior in any thing to the other. But there are "the thews, the stature, bulk and big assemblance of a man," of which Shakespeare speaks, and to these Britomart can never hope to attain. It is idle to talk of "identity of treatment" in the rough, manual provinces of life.

Mme. Lempérière is all for equality, not identity. She says that there are different uses for the masculine and the feminine brain, and that the great error is to squabble about precedency among things precisely parallel. She rejects the idea that woman can or ought to compete with man, and she annoys the extreme feminists very much by saying that their theories, and their whole attitude toward this class of questions, is due to sheer ignorance. "Woman must assert her dignity; she must refuse to be turned into a domestic drudge; she must carry the banner of individuality

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in the vanguard of civilization!" say the Feminists. Mme. Lempérière listens to them, and replies: "Poor things! How very badly educated you are! Your want of mentality is quite alarming!" She dares to sweep away all this vain-glory as a pathetic exhibition of "cerebral vanity," and she urges the stormy sisterhood to apply themselves to obtaining a clear idea of what woman's real place should be in a normal modern society.

She has, herself, no doubt on this point, and her theories are worked out with a convincing mixture of logic and good sense. Her view is briefly this. All consideration of woman's duty must start with the family, which, so far from involving any degradation or want of dignity, offers her the finest possible sphere of activity. But, in the family, it is not necessary or desirable that she should hold a dependent or a secondary place. Her place there is not dependent, but interdependent. That is to say, in the normal family neither man nor woman can succeed without the other; absolute interdependence of each upon the other, on all points, in all conditions, in all circumstances, being the only safe path towards practical perfection. This interdependence, which at first sight seems an insupportable abnegation of the personal rights of the human being, is really, by the law of nature, the most direct mode of securing the full force of individual liberty. This is a union, founded upon an equal exchange of services, which has only to be exactly balanced to be absolutely ideal.

The reader is now prepared for the reception of Mme. Lempérière's central theory, that woman is essentially a dispensing and organizing entity. The physical muscularity of man, his activity, his freedom from all accidents which hamper movement and prompt action, point him out as the acquirer and producer of resources. The mistake of the extreme feminists is to assert that they also must, before all else, strive to produce and acquire. This their organization will never permit them to do in a manner which will be adequate for direct rivalry with man. If, therefore, they were to succeed in breaking down all the traditional barriers which distinguish the sexes, if the formulas of gallantry were to be so absolutely destroyed that man and woman worked in direct physical emulation, woman would be nowhere in the struggle. But a new light is thrown over the whole difficulty when it is admitted that the spheres are wholly distinct, though beneficently interdependent—that man has to be always creating resources for woman to

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organize and distribute. In other words, woman has to construct life with materials which man supplies, and what she possesses in the normal order of social existence is not so much a "right" as something far more important—a power.

In this place I cannot do more than indicate thus roughly the central notion in Mme. Lempérières very remarkable book. I shall consider it a privilege if I am able to draw the attention of American readers to a work so wholesome and so sensible, in my judgment the most logical which the discussion of the woman's rights question has produced for a long time past. The writer very strongly recommends a more careful training of women upon rational principles, and for much of the rant and extravagance which is talked and printed on this subject she is inclined to blame the irregular and feeble education which is now given to girls. She believes that the teaching of women ought not to be on exactly the same lines as that of men, but that they should be taught to be organizers no less specifically and deliberately than men are taught to be producers. The views of Mme. Lempérière on female education are far from being the least interesting or least suggestive part of her valuable book. On the whole, I am sure that she gives the armor of Britomart the most sounding blow that it has received for a long time past, and with a hand that is wholly friendly and sympathetic to all that is healthy in the aspirations of our modern heroine.

EDMUND GOSSE.

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TAXATION OF PUBLIC FRANCHISES.

BY STATE-SENATOR JOHN FORD, AUTHOR OF THE FRANCHISE-TAX BILL.

As the first requisite to an intelligent comprehension of the public franchise tax law and the questions which it raises, one must have a clear conception of the distinction between a corporate franchise, which is simply the right to exist and do business as a corporation, enjoyed by all corporations alike, and the so-called public franchise, such as the right acquired to construct and operate a railroad in the public streets, which is a species of valuable property received from the community. This public franchise is held and enjoyed by every railroad and other transportation corporation using the public highways, in addition to its corporate franchise. The Appellate Division of the New York Supreme Court (15 App. Div., 585) clearly recognizes this "marked distinction between the franchise to construct and operate a railroad on a street, which franchise is absolute property, independent of the existence of the corporation and other corporate franchises, such as those of trading companies, which are merely to be a corporation and to do business." In the same volume (page 588), in another case in which a railroad company was plaintiff, it was held "that though the plaintiff had not laid a rail nor entered upon the street, its franchise was as absolutely property as the land abutting on the street." This is merely a reiteration of the doctrine clearly laid down by the New York Court of Appeals (111 N. Y., 1), which held that although the corporate franchise of a corporation holding a public franchise in the streets might become extinct through the dissolution of the corporation, the public franchise remained unimpaired as an asset, to be disposed of for the benefit of creditors, precisely like any other kind of property be-

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longing to the corporation at the time of its dissolution. The new law affects this class of property alone, and has nothing to do with mere corporate franchises, whose value, when they have any value, is strictly analogous to that of the good will of an ordinary trading or manufacturing firm.

Since the decision of the Court of Appeals in *The People ex rel. Union Trust Company vs. Coleman* (126 N. Y., 448), rendered in 1891, franchises, both public and corporate, in the State of New York, have been absolutely exempt from local assessment, although they had previously borne some considerable share of the burden of taxation as personal property. The Tax Commission of New York City estimates that that municipality alone has lost, since the Union Trust Company decision, upwards of one hundred million dollars in taxes; for, although it concerned corporate franchises merely, yet the Court of Appeals in subsequent decisions extended the doctrine, and held that the public franchise of a street railroad corporation was likewise exempt from local taxation. Mr. Justice Cullen in an opinion unanimously concurred in (*People ex rel. Brooklyn R. R. Co. vs. Neff*, 19 App. Division, 590), rendered in 1897, remarks:

"This being the law, there should no longer be any attempt to avoid it or to tax property that is exempt. If the law is just, every one should favor it; if it be unjust, the only remedy is by application to the Legislature to alter it, for it is unquestionably within the power of the Legislature to subject this character of property to the same public burdens which other property within the State has to bear (*Henderson Bridge Co. vs. Kentucky*, 166 U. S., 150), a burden which for over forty years corporations have borne without cavil or complaint, and without suggestion that it was not imposed on them by law."

It was to alleviate the manifest injustice of the tax law to which the learned Justice called attention, that the bill to tax public franchises was introduced into the New York Legislature at its last session. How most effectively and simply to accomplish the purpose in mind, without disarranging the existing tax system or setting up new machinery, was a problem of no little complexity. It seemed clearly unjust to class corporate franchises, which can be had by the mere filing of certain papers in certain designated public offices upon the payment of an inconsiderable incorporation tax, by as many small groups of citizens as care to apply for them, and which have practically no value except that which is created for them by the enterprise, skill and experience of the incorporators, with the sort of franchises designated "public," whose value

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is created exclusively by the community, and granted in most cases without compensation of any kind in perpetuity to the corporations enjoying them. A local tax upon corporate franchises generally will be justified only when a uniform tax is levied upon that other very important species of property known as good will, so that the concern carrying on, say, a dry goods business, as a partnership, will be subjected to the same burdens imposed on the competing concern doing its business as a corporation; for the corporate franchise of the latter has no element of value, of any consequence, not found in the good will of the former.

Nor did it seem fair that such franchises as those of steam railroad corporations, which purchase, improve and maintain, at their own expense every foot of land they use or occupy, and pay their full quota of local taxes upon it, in common with other property owners of every locality through which their roads pass, should be classified, for purposes of taxation, with the public franchises enjoyed by street railway corporations, for example, which come into possession of public property purchased, improved and maintained at enormous public expense, and exempted from taxation besides. The effort at improvement in the tax law was, therefore, directed exclusively to bringing the public franchise within the schedule of property taxable for State and local purposes.

Public franchises are easements in the street, of such a character as have been classified as real property since the dawn of the common law. Moreover, the New York courts, from the highest to the lowest, have repeatedly characterized them as belonging to that category. In the *People, etc., vs. O'Brien* (111 N. Y., 1), cited above, the Court of Appeals, in defining the character of the property which a railroad company owned in the public streets of New York City, had decided in 1888 that "the Broadway Surface Railroad Company took an estate in perpetuity in Broadway through its grant from the city, under the authority of the constitution and the act of the Legislature." "It is also well settled by authority in this State," the same decision adds, " that such a right constitutes property within the usual and common signification of that word." "The laws of this State," continues the court, "have made such interests taxable, inheritable, alienable, subject to levy and sale under execution, to condemnation under the exercise of the right of eminent domain, and invested them

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with the attributes of property generally." Quite as explicitly another decision already quoted (15 App. Div., 588), held that the public franchise of the railroad corporation concerned in that case "was as absolutely property as the land abutting on the street." In the Mechanics' Lien law of New York, the term "real property" is defined as including, among other things, "the right or franchise granted by a municipal corporation for the use of the streets or public places thereof."

The question naturally arose, Why then is not this property taxed in common with other real estate, even though the Court of Appeals has held in the Union Trust Company case that it cannot be taxed as personalty? The answer was easily found. Although, under every one of the half-dozen or more definitions of the terms "land," real estate" and "real property" found in the various statutes of New York, public franchises of street railroads and transportation corporations would be included, they were carefully excluded from the special definition of those terms which was found in the tax law. "They are real estate for all other purposes," said the law in effect, "but not for purposes of taxation." And, as if to emphasize the inconsistency, the tax law definition actually included one kind of franchise as real estate, when, after enumerating as such "all wharves and piers," meaning the material structures, it added, "including the value of the right to collect wharfage, cranage or dockage thereon."

The definition then went on to name the kinds of property of railroads, telephone, gas and telegraph corporations and the like, mentioning the rails, substructures, superstructures, poles, wires, pipes underground and so on, but scrupulously avoided adding, as it did in the case of wharves and piers, "including the value of the right to collect toll from the public thereon." Thus was the most valuable and productive property in the community, which cost its owners nothing or next to nothing, exempted from taxation; and the burdens it ought to bear were thrown on other real estate, bought and paid for at its full market value by its owners, taxed regardless of its mortgage debt or its productiveness, and already burdened with the cost of purchasing, excavating, filling, bridging, regulating, grading and preparing the public streets for the corporations to which they were handed over for the mere asking. The public franchise tax law simply inserts about ten lines of new matter in the definition of real estate for purposes of taxation, so

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as to bring the intangible public franchise, whose value in most cases represents from fifty to eighty per cent. of the total value of the assets of the corporation enjoying it, as well as the tangible structures, substructures and superstructures, within reach of the tax gatherer.

All the ingenuity of the opponents of the measure in both houses of the Legislature, and doubtless of the eminent counsel who appeared in opposition to it as well, was exhausted in a vain endeavor to devise some amendment that would cure its alleged "incompleteness" and "crudity." The fact is that it was so plain, simple and complete in itself that no rational amendment to it was possible. It makes no new law. It does not change the structure of the previously existing tax law in the slightest degree, but simply adds to the schedule of taxable real estate vast properties hitherto exempt. Whatever crudity or incompleteness there is about it is due, not to its own form, but rather to the general tax law under which it brings public franchises to be taxed precisely as other property of the same class is taxed. Nor is there a single valid reason why any new method of assessing or taxing these properties should be provided, which does not apply with equal force to all other real estate.

It is said that great opportunities for exercising favoritism, extorting campaign contributions, and discriminating between the different corporations affected, are afforded by the act, through the wide discretion enjoyed by local officials in assessing these franchises. All of that is literally true. But it is as literally true of the many times more valuable real estate already assessed throughout the State by the very same local officials. Every one knows that assessments are made now in an arbitrary and unscientific manner. The taxing power is, and always has been, used to a greater or less extent for political purposes, to reward friends and punish enemies of the respective local administrations, to extort campaign contributions, and even, in some instances, for the private gain of the public officials themselves. These things are inevitable under our tax law, as it stands; and every citizen in the State, whether he be the millionaire owner of a skyscraper on lower Broadway, a humble mechanic with a little home in the suburbs, or a struggling farmer, is subject to the hardships which they impose. Yet through all the years during which these conditions have existed, no eminent counsel appeared

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before the legislative committees to plead for relief for the ordinary citizen from the cruel injustices done him through our absurd system. It was only when it was proposed to bring the untaxed property of the great corporations within the operation of the same law that the Capitol building began to swarm with eminent counsel, and the committee rooms to ring with their eloquent denunciations of the wicked attempt to tax the property of their clients as the property of other citizens is taxed. If the method of local assessment is bad for one class of real estate, it is equally bad for all other classes. If a special effort is to be made to ease the burden upon any class, the farm, the homestead, and the business block, ought in all justice to receive the first attention of the Legislature.

There will be less difficulty and uncertainty in assessing public franchises than in fixing the taxable value of almost any other kind of real estate, certainly so in the case of some kinds of real estate mentioned in the tax law. For example, there are "land under water," and "all trees and underwood growing upon land, and mines, minerals, quarries and fossils in and under the same." Then there is "the value of the right to collect wharfage, cranage, or dockage" on wharves and piers, an intangible kind of real property, and as truly a franchise as any brought into the law by the new act. It has been the business of the local assessor for years to assess all these things, with no rule or method of procedure prescribed in the law for his guidance. Yet he has managed to assess them all in some fashion, and to get some contribution to the public treasuries out of them, even though with him it may have been largely a matter of guess work. Were the public franchises to be assessed and taxed in the same way, they would at least bear some share of the public burden and their possessors would have no reasonable cause for complaint. But in the case of franchises of all kinds, there is a simple and unerring method of valuation, sanctioned by long usage in many states, and approved by the Supreme Court of the United States. It is to take the market or actual value of all the indebtedness, exclusive of debts for current expenses, and the market or actual value of all the stock of every kind issued, and the total will be the value of all the assets of the corporation. Deduct the actual or market value of all the tangible property in its possession, and there remains the value of the intangible property, or the franchise. This rule is recognized by

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the laws of Connecticut, which, in taxing railroads, levy the same tax upon the market value of their debts as upon the market value of their stock. It is employed in assessing franchises in New Jersey, Indiana, Illinois and several other states. Its application in the valuation of public franchises under the new law in New York State will be even simpler than above indicated; for, since the franchise is to be taxed as real estate, it will not be necessary to separate the respective values of the tangible and intangible realty at all; but the actual value of the personal property only need be deducted from the total valuation of assets, as found under the rule, in order to discover the valuation of the taxable real property.

It would have been a simple matter to incorporate this method of assessment into the statute, but to have done so would have been unjust to the possessors of public franchises, because it would compel assessors everywhere to assess this property at full actual value, whereas it is well known that other property is, as a rule, assessed much lower and at widely different rates throughout the State. It seemed much wiser to follow the example of other States in which franchises are assessed and taxed locally, and leave the method of assessment to the discretion of the assessor as in the case of all other real estate. While corporate property should be made to bear its fair share of taxation, it should in no wise be discriminated against.

This precise method of valuing franchises, when first applied by the State Board of Equalization of Illinois to railroads, gave rise to three contesting actions, which were carried to the Supreme Court of the United States and there disposed of in a single decision in 1876 (*Taylor vs. Secor, Etc.*, 92 U. S., 575). Mr. Justice Miller, who wrote the opinion in the case, said:

"The statute of Illinois and the rule adopted by the Board of Equalization, under the power conferred by the clause we have just recited, may not be the wisest mode of doing complete justice in this difficult matter; but we confess we have, on the whole, seen no scheme which is better adapted to effect the purpose, so far as railroad corporations are concerned, of taxing at once all of their property, and of making the tax just and equal in all its relations to other taxable property of the State."

Again, after discussing in detail the rule as applied, the learned Justice continues:

"It is, therefore, obvious that, when you have ascertained the current cash value of the whole funded debt, and the current cash value of

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the entire number of shares, you have, by the action of those who above all others can best estimate it, ascertained the true value of the road, all its property, its capital stock and its franchises; for these are all represented by the value of its bonded debt and of the shares of its capital stock."

No method fixed for the valuation of any species of real estate either by the courts or by the assessors, in the State of New York, is so simple, certain and easy of application as this. The great bulk of the properties reached by the act are publicly bought and sold daily, in the form of securities representing them. The stock market supplies continually an index of the value of all the principal franchises, while sales of other kinds of real estate are rare in comparison; and actual sales are the very best guides to actual values. There will be no trouble about equitably assessing franchises, except in the directors' rooms of the corporations owning them, and in the offices of their eminent counsel.

Some few important public franchises in the city of New York, and in other cities, are now paying some return to the cities in the form of a percentage of the gross receipts or otherwise. Some corporations pay considerable lump sums for their franchises when granted. All corporations holding public franchise pay a State franchise tax. It is therefore contended that the new law imposes double taxes upon them.

As to the franchise tax which they pay, that is a tax upon their corporate, not their public, franchises. A steam railroad, which paid for its roadbed at full market value, spent millions in preparing it for the ties and rails, and other millions in maintaining it, and which is taxed on every foot of the land it uses in connection with its right of way, pays a franchise tax to the State in addition. It is a tax on its right to be a corporation, and that is what the franchise tax paid by a street railroad corporation is, and nothing more nor less. The new tax on the street railroad will be, in effect, a tax on its roadbed—hitherto exempted—similar to that always paid by the steam road. As to the percentage of gross receipts paid to the city and the lump sums paid for the franchises, those constitute the consideration agreed to be paid by the grantees for the property they received. They are simply the purchase price. But because an ordinary citizen has bought and paid for his property and fully complied with his purchase contract, does the law therefore exempt him from taxation? He may have paid more than his property was worth, but he pays taxes

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every year in addition. The possessors of public franchises have, for the most part, paid absolutely nothing for their properties, and never a tenth part of what they were worth. By what process of reasoning they bring themselves to believe that, because of the miserable little return they make to the city for their inestimably valuable easements in the streets, they are therefore entitled to exemption from taxation on them, is past finding out. Slight additional charges, such as car license fees, and the like, imposed on them, can hardly be classed as taxes at all, but in any event are so inconsiderable that they surely cannot be urged seriously as an equitable prohibition against State and local taxation.

What revenue will be realized from the act it is impossible to estimate with any degree of accuracy. That it will be very large is certain—far larger than even the corporations themselves realize. In general, it may be stated that the entire value of the stock of transportation corporations is the measure of the value of their respective franchises. The actual investment of capital is usually represented by the bonded indebtedness. When one considers the large number of companies, the value of whose shares will foot up from twenty-five to a hundred million dollars, one can form some idea of how much will be added to the assessed valuation of property throughout the State. On the other hand, the first effect of the law will be to depreciate the value of the stock, by reason of the prospective payment of a part of the profits of the company into the public treasury

The results of the operation of the law will be a revelation to the people, and a lesson they will not soon forget, in the art of utilizing these sources of revenue for the public advantage, instead of permitting them to be used exclusively for private gain. If the cities of New York were in possession of their own sources of municipal revenue, as fully as is Glasgow, they, like the Scotch city, would also be paying the entire cost of running their local governments without levying a cent of tax for that purpose upon the property of their inhabitants. And anyone who reads the signs of the times aright can not doubt that American municipalities will be content with nothing short of the realization of a similar condition of freedom from their present intolerable burdens of taxation.

JOHN FORD.

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THE OUTLOOK FOR CARLISM.

BY THE HON. JAMES ROCHE, M. P.

SINCE the year 1834, Spain has been at regular intervals the scene of strife and hard fought battles between the two branches of the reigning family of Bourbons, both directly descended from Charles the Fourth, the monarch who abdicated and fled at the approach of Napoleon. He was succeeded by his elder son, Ferdinand VII., whose misrule created much dissatisfaction; for not only did he restore the Inquisition in its most objectionable form, but he also drove a coach and four through every law which did not suit his purpose. Having no male heir, he abolished the Salic Law in favor of his daughter Isabella, and to the detriment of his brother Carlos, in whose behalf a bold effort was made in 1834, by the Carlists of the Basque Provinces. England interfered and sent a British force of 10,000 men, under the command of Sir E. de Lacy Evans, who beat the insurgents at Ayetta, and San Sebastian. Don Carlos retired to France, and died at Trieste in 1855, having abdicated in 1848 in favor of the father of the present pretender, who is known as Carlos VII. A rising took place in 1849, another in 1860, and the last Carlist War began in 1871 and ended in 1874, when Carlos was beaten, hip and thigh, by the regular troops. Since then he has lived in retirement, and has taken no active steps to recover the throne of his ancestors, save by publishing a few pronunciamentos from time to time. In his last address to his partisans he foretold what has since happened. He declared that he would not move, so long as his country was fighting a foreign foe, but that, as soon as she had lost her colonies and peace was ratified, he would claim his rights and endeavor to assume the reins of government, and to extricate Spain from the

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dreadful position to which she has been reduced by the corrupt administrations that have held sway for years in that unhappy land.

It is interesting to consider for a moment the present political condition of Spain, upon which must depend the chances of a rising in favor of Don Carlos de Bourbon. There are three elements necessary for success in such a movement: (1.) the complete adherence of the Basque Provinces; (2.) the support of Catalonia; (3.) military organizations, and ample money.

There are likewise three likely elements of failure: (1.) the activity of the present Government; (2.) the pacification of the Basque Provinces, which could be effected by granting to them many of their *fueros* or ancient rights; and (3.) the opposition of the advanced Republican-Socialist party, whose influence is chiefly felt in Catalonia and in Andalusia.

The Basque Provinces have hitherto been the stronghold of the Carlist movement, for by Ferdinand VII. they had been stripped of their ancient rights, those *fueros* which had been respected by all his predecessors, and had existed since the thirteenth century in the provinces of Navarra, Biscaya, Alava and Guipuzcoa. Based on the old laws of the Visigoths, they grew up in the period between the irruption of the Moors into the Spanish Peninsula, and the consolidation of the Spanish monarchy under the House of Hapsburg. The leading provisions of these *fueros* are:

First, in Navarra, the Cortes, chosen for three years, and consisting of the three estates of the Clergy, Nobles and Commons, are to meet yearly; and without their consent, no law can be passed, or anything of importance undertaken.

The Government consists of a viceroy, who presides in the Cortes and Great Council, the great Council of Navarra (a body similar to the old French Parliament) and the *Contaduria*, before which all accounts of revenue and expenditure must be laid. There is no custom house or toll but at the frontier, and except the trifling grant of 176,000 reals—$8,800—nothing flows into the royal treasury. All these *fueros* the King of Spain must bind himself by an oath to maintain.

Second, in Biscaya, the *fueros* were first codified by Count Juan in 1371, and recast, completed and confirmed in 1526 by Charles the First (the German Emperor Charles V.). According

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to this Charter of rights, every new "Lord" (this is the only title which the Biscayans confer upon the King of Spain) must swear to uphold the *fueros*. The Government consists of a "Corregidor," two deputies and six regidors. The supreme power is vested in the "Junta General", or General Assembly. Justice is administered by the Corregidor and his "*Tenientes*" or Lieutenants. Every Biscayan of pure blood is counted a nobleman; there is no royal governing board in the province, except the post office, and Biscayans are not bound to serve in the Spanish Army, or to receive Spanish troops.

Third and fourth, in Alava and Guipuzcoa, the *fueros* are of a similar character, differing only in details.

Such were the ancient rights abolished by Ferdinand VII., restored by him in 1812, abolished once more by him in 1823, by Espartero in 1830, re-enacted by Isabella in 1844, and finally removed a few years later.

Both Pretenders, known as Carlos V. and Carlos VII., the present Duke of Madrid, made the restoration of the *fueros* the keynote of their political article of faith. In 1834, it was undoubtedly a better tune to pipe than now, for the "*Vazcongados*," so often disappointed in their aspirations, have ceased to care much for the vindication of sacred principles; they would sooner devote their energies to the cultivation and preservation of their lands, under a stable and conservative form of government, than engage in another struggle, the result of which they have good cause to fear.

There is a strong element in Spanish politics which seems to have been overlooked by most observers, and upon which much will depend in the near future. I refer to the vast army of *rapatriados*, the unhappy soldiers who are returning in thousands from Cuba and from the Philippines. Sore in soul and body, the victims of incompetent leaders and of a corrupt administration, the creditors of the Government to the extent of two or three years' pay, these men will soon have to be reckoned with or compensated. The newly formed Cabinet has already expressed its intentions, through Señor Villaverde, Minister of Finance, of paying up all arrears and placing Spanish finances upon a firm and honest basis; already the regiments garrisoning the Basque Provinces have been clothed anew, and are jingling pesetas in their pockets; pensions are to be provided for the victims of the war, and all

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claims are to be carefully examined. Should these intentions be carried out, the *rapatriados* may be satisfied to bear the ills they know, but if the procrastinating policy of "Mañana" be again resorted to, and the Pretender with his vast wealth can enlist the services of those seasoned and embittered veterans, he will dispose of a force the value of which cannot be overrated. A large proportion of the "rapatriados" hail from Catalonia and the Basque Provinces. They have to make their way to their homesteads, at their own expense, from the port at which they land, but often fail to reach their destination, so great are the privations they have suffered during their stay in the colonies and on the homeward journey.

The Ultramontane Catholicity of the Basque Provinces (*Mas Catolicas que el Papa, mas realistas que el rey**), would naturally sway the population in any political movement. Leo XIII. dealt the Carlist cause a heavy blow when he directed the Spanish clergy to obey their present rulers, but at the Vatican, opportunism is not unknown. Circumstances and men alter cases. The Pontiff is in his ninetieth year, and the next occupant of the papal throne may, like Pius IX., be in full sympathy with Don Carlos. The Basque clerics are Carlist to a man, and if assured of even the tacit consent of Rome they would, as in the seventies, take the field, and shoulder an *escopeta*, if need were. The exploits of the famous and bloodthirsty priest, Santa Cruz, would doubtless be imitated by many gentlemen of his sacred calling, in whose opinion the words "*Dios, Patria y Rey*" are almost synonymous terms.

There is a very strong analogy between the positions of the Basque and Irish clergies. Both are recruited from the people; both are the guides and confidants of the people; both wield upon their flocks the immense influence of the confessional. The Celtic tongue spoken in Ireland and in the Basque Provinces is a language unknown to the alien authorities. Priests and people work and fight in a common cause, the expulsion of the "*forastero*" (foreigner), the attainment of Home Government and fixity of tenure, and the removal of taxation. Their counsels are good and disinterested; under their sway, the morality of their flocks compares most favorably with that of other peoples, and they jealously protect the temporal as well as the spiritual interests of those committed to their care. A political cause in either country would,

*More Catholic than the Pope, more royalist than the King.

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ipso facto, cease to exist, amid present circumstances, without the support of the clergy.

The Eastern Province of Catalonia presents very different conditions. Catalonia is to Spain what Ulster is to Ireland; the Belfast of Catalonia is Barcelona, the most prosperous city in Spain, a port trading with the world, peopled by all nationalities, and the headquarters of the Socialist Republican party.

Twenty years ago, the Catalons fought bravely on the Carlist side, under the command of Don Alfonso de Bourbon, the brother of Don Carlos. They had no *fueros* to recover, but they had long suffered from the heavy taxes which were levied upon their prosperous country, to defray the lavish expenses of Madrid, the centre of extravagance and corruption. The economic condition of Catalonia is no more the same, and though still smarting under undue exactions, the Catalon is prosperous, educated and more than liberal in his aspirations. A federated Republic would satisfy his wants better than a change of dynasty, for he has long since concluded that if Madrid drains his resources under the Alphonsists, the Basque Provinces might prove equally costly under Don Carlos.

Competent judges are agreed that the present dynasty cannot last, but they also think that, before Don Carlos is crowned King of Spain, he will have to meet and defeat a strong and wealthy Republican party, the number of whose adherents is daily increasing in Catalonia and throughout the South of Spain. The dynamite outrages perpetrated in the Barcelona theatre, at Cartagena and elsewhere, have doubtless hampered the progress of the "*Republicanos federalistas*," but they have had less effect upon their ardor than was produced upon that of the Carlist clergy by the famous bull of Leo XIII., enforcing obedience to the present form of government.

In all Spanish revolutions, the military pronunciamento has played an important part, and to-day, more than ever, we must consider the chances which a General Weyler or some other political soldier might have in the contest for power. There seems no reason why such a candidate should not throw in his lot with the Republican party, remembering that a Marshal's baton has been changed before now into the sceptre of a tyrant. General Weyler is very active, very militant, and has already expressed his intention to fight the newly formed Conservative Cabinet inch by inch.

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He is, of course, the one military commander who has not surrendered some portion of Spain's possessions within the last few months, and his misdoings in Cuba have never caused him to be censured by the Spanish nation. While most of his fellow generals are about to be tried by court martial, General Weyler remains a warm favorite, and the populace greet him as though he were an "Espada" of the same calibre as Guerrita or Espartero. A Spanish general whose popularity equals that of an eminent toreador is always an important factor in politics.

*In some recent articles on "French Pretenders," the claims of Don Carlos of Spain to the throne of France have been set forth. In theory they seem irrefutable, and, granted that he should one day rule over the destinies of Spain, there is no reason why France should not also become part of his dominions.

Don Carlos, heir to the throne of Spain by the Salic Law, is also the most direct descendant of Louis XIV. Under the will of Charles II. of Spain, Philip, Duke of Anjou, the second son of "Le Grand Dauphin," inherited the throne of Spain. It is quite true that by the treaty of Utrecht, Philip resigned his claim to the French throne for himself and his successors, but the partisans of Don Carlos claim, first, that he was not entitled to resign those claims on behalf of his successors; second, that most of the provisions of the Peace of Utrecht were violated by the contracting parties, and that Louis Philippe, King of France, ignored the treaty *in toto* by marrying his son, the Duc de Montpensier, to the heiress of Queen Isabella of Spain in default of her leaving issue.

A still stronger argument is adduced by Don Carlos and his party. Ignoring all treaties and compacts, they contend that the right of the legitimate king is a "divine right" which cannot be made subject to treaties or compacts, that Don Carlos alone possesses that divine right, and that to him belong the thrones of France and Spain. The difficulty of inducing the French people to accept a foreign ruler is overcome by the statement that the Spanish Bourbons were really French princes, ruling and residing abroad, and that they have never been foreign to France in the true sense of the word.

It is further averred by the French and Spanish Carlists, that the strongest barrier which could be opposed to the growing

*See "St. James Gazette," February 4th, 1899.

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strength of the Teutonic Powers would be found in a coalition between France and Spain under one Latin ruler. This argument appeals with much force to the Anti-Teutons, who are numerous in both countries.

The principles of Don Carlos are those of Henri V., the late Comte de Chambord, at whose death the branch of Orleans, now represented by the duke of that name, claimed inheritance to the throne of France. The thorough-going Royalists, known as "*Les Blancs d'Espagne*," have never foresworn their allegiance to Don Carlos, the representative of the elder branch of the Bourbons, and their party daily waxes in influence and in numbers. This is mainly due to the many proofs afforded by the Duke of Orleans of his utter inability ever to do the right thing at the right moment. The Pretender who, during the Boulanger crisis, was content to watch events in France from a balcony of the Lord Warden Hotel at Folkestone, while his partisans besought of him to cross the water and try issues with anarchism, cannot inspire confidence as a leader of men bent on wresting a throne from a hungry horde of placé hunters. This same Duke, after throwing in his lot with the Dreyfus faction in France, has again failed to strike a blow when the patriot Deroulede and his famous league endeavored to upset the Government of France on the day its President was consigned to his grave.

Whatever shortcomings may be laid at the door of Don Carlos, he has proved himself a soldier of valor, and a strategist of no mean merit. His son, Don Jaime, is serving in a Russian regiment at Warsaw, and has won golden opinions in Russia, and should his father waive his right to the throne of France in his favor, it is quite possible that the advent of Don Jaime would meet with the approval of Nicholas II., the ruler of France's most powerful ally. England, having no direct interests in the dynastic questions of France or Spain, looks on dispassionately. There exists in London a Carlist Committee, but its members are mostly unknown men with little influence and no money to spare. They, of course, have been on the *qui vive* since February, 1898, when they were told to be ready for immediate action, and are now expecting fresh developments.

The London press is equally sure that a Carlist rising is imminent. Special correspondents for "The Times" and other papers are already in Spain, and much interest is evinced in the doings of

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Don Carlos and of his party. Some effort must soon be made to redeem oft-given pledges. In a distracted country, rent asunder by internecine feuds, bled to death by corrupt administrations and severe defeat, deprived of its colonies and bereft of competent leaders, an able man with energy and honest purpose should be hailed with joy. Is such a man forthcoming in the person of Don Carlos? His past would answer "No;" the future may say "Yes."

Now, as in 1873, everything is ripe for a successful rising. Discord in the ranks of the Conservatives, dissatisfaction among the Liberals, universal discontent at the long delay in the ratification of the Treaty of Peace, and the growing conviction instilled into the minds of the people that America bought over the leaders of the Spanish army and thus secured their bloodless victories, a thorough organization of Carlist clubs and centres of propaganda, all tend to prove that a Pretender with a handful of men would soon gather around him a very considerable army.

The action of the clergy in proclaiming allegiance to the established form of Government would not have very much importance in the present crisis, for the Carlist question has invaded the domain of practical politics, and is openly discussed by responsible politicians. Public meetings are addressed by the partisans of Don Carlos not only in the Basque Provinces, but in other large towns, and the abstention of the clergy is not even noticed. The people remember the quick change of front, from Carlism to Alphonsism, effected by the clergy in 1876, and expect to see a similar *volte-face* executed in favor of a successful competitor for the throne of Spain.

As I have already indicated, the future action of Rome will be a most important element in the event of a successful Carlist rising. Not only will it influence it directly, but it will do much to consolidate Don Carlos or to shake his power, and will be no mean factor in determining the conduct of certain European Courts toward him. The increase of Latin influence would undoubtedly strengthen the hand of Rome, and in the event of Don Carlos becoming King of Spain, the alliance by marriage of Don Jaime, his son, with a reigning Latin family, such as that of Austria, or even Italy, might make a sensible difference on the political chessboard of the Vatican. The successor to Leo XIII. will probably have to solve this problem, and upon the election of that successor much will depend. Among the many possible Popes, there is one whose

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chances are far greater than those of the other members of the Sacred College. I refer to Cardinal Vanutelli, a comparatively young man, with vast political and family influence, with a brilliant record both as a theologian and a diplomatist, and endowed with energy of action and great eloquence. Both he and his brother, Monsignor Vanutelli, are known to hold strong views in favor of the Carlist movement in Spain, and of a Legitimist restoration in France. The strengthening of the Latin influence in Europe is to them an article of faith, and it is difficult to foretell to what extent Pope Vanutelli would put into effect the opinions now held by Cardinal Vanutelli.

The efforts actually made by the Vatican to take part in the Peace Conference clearly show that, even under Leo XIII., the nonagenarian Pontiff, Rome has not waived her claim to be heard on matters affecting international politics; and it seems difficult to believe that her voice would remain silent on a question to her as pregnant with interest as the return of the Bourbons to the thrones of Spain and France.

Admitting that Don Carlos can afford to ignore Rome in his endeavor to conquer a throne, he will have to cement his victory with her goodwill. Many difficulties would be overcome if, by the abdication of his father, Don Jaime became King of Spain and married his cousin, the Infanta Maria de las Mercedes, sister of the present little King. The two branches would thus be united, and the supporters of the Salic Law, as well as its opponents, would hail with joy a termination of the feud.

Don Carlos, however, is not likely to hand over his rights to his son. He considers that the present condition of Spain requires to be treated by a strong and experienced ruler, and being still in the prime of life, he feels he can serve his country for many years to come. Neither he nor his young consort would consent to retire in favor of Don Jaime, a boy scarce out of his teens, whose knowledge of men and things has yet to be acquired, and whose military training is still in the preliminary stages.

His father, on the other hand, has proved himself a good tactician in the field, and with very raw material at his disposal he more than once inflicted heavy losses upon the enemy. He is credited with having a complete plan of campaign for future operations, and able officers to assist him in carrying it out. One of them, General Antonio Brea, has just published an account of the

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1873-76 campaign, entitled "The Campaign of the North." General Brea makes no mystery of what the next campaign is likely to be; guerilla warfare will, of course, be resorted to, as of old, but the introduction of the Maxim gun will prove an immense advantage to whichever side will hold the mountain passes. Don Carlos is credited with having powerful mountain and field artillery. If this be true, he should have little difficulty in making his way into the plains of New Castille from two different points: the Pyrenees or Basque Provinces in the North, and Catalonia in the East. Two armies marching jointly from these points should either effect a junction, say at Alcala or Molina, push on toward Madrid, and make a combined attack, or operate separately, the Catalonian contingent making a front attack from Alcala, while the Pyrenean army would move from Toledo. The capital would be hemmed in by simultaneous front and rear attacks, and, given good generalship and a well organized commissariat on the Carlist side, the occupation of Madrid would soon be an accomplished fact.

In the last campaign dilatory tactics prevented the success of a similar scheme, but bitter experience must have taught Don Carlos that in warfare swift action can alone bring victory, and he is not likely to repeat at fifty the mistakes which he made at thirty, when the joys of Capua and the pleasures of life delayed him on the road to Madrid, and led him into exile.

One naturally inquires what would be the attitude of existing Governments in Europe toward Don Carlos, should he succeed in winning the throne of Spain. Europe has little interest in the matter; so far as Germany is concerned, the Hohenzollern question is at an end with regard to Spain. France has too many questions of her own to settle; England will not repeat the blunder she made in 1834 by sending another De Lacy Evans to settle the affairs of the Peninsula; while Italy, Austria, and Russia would probably recognize the new king.

The world at large is agreed that Spain could not have a worse government than the one which has ruled her destinies, with such conspicuous ineptitude, for the past twenty years, and the opinion is fast growing that a radical change is necessary.

"Retrench and reform and repent" should be the motto of the successor to Alphonso XIII.

JAMES ROCHE.

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THE WAR WITH SPAIN.—II.

BY MAJOR-GENERAL NELSON A. MILES, COMMANDING THE UNITED STATES ARMY.

THE landing of the troops and supplies at Daiquiri and Siboney, including over 2,000 animals, was successfully accomplished; and was followed by the cautious and judicious advance of the leading division under General Lawton, without loss. The dash forward at Las Guasimas caused some disappointment, owing to the serious loss suffered, particularly that of the gallant young men who fell in that first encounter; yet the fortitude and courage displayed by our troops on that occasion was most commendable.

The sharp, fierce fighting at El Caney and San Juan was very gratifying to those who appreciate courage, fortitude and heroic sacrifice. Both of those positions were held by comparatively small forces of Spaniards, and were regarded as the outer-works of the intrenchments around Santiago. But troops occupying intrenched positions and stone buildings, armed with smokeless powder rifles and machine guns, cannot be dislodged, except by directing against them a most destructive artillery fire or an overwhelming force of troops, or by flank manœuvers. Our troops, under the skillful and conspicuous leadership of the subordinate commanders directly in charge of them on the fighting line, displayed in a marked degree dauntless intrepidity, fortitude and gallantry. Lawton exhibited most excellent generalship and the same tenacity and activity which he had displayed on other fields. Chaffee was conspicuous for his courage, for which he was already noted. Bates, one of the veterans of the Civil War, moved his division to the support of Lawton, and again returned in time to take part in the closing scenes about San Juan Hill. Wheeler, who had taken part in the affair at Las Guasimas and had become

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ill from over-exertion, which compelled his absence during the principal fighting at San Juan Hill, yet, on hearing of the engagement, with more martial spirit than physical strength, joined his command later in the day. During his temporary absence, the Cavalry Division was under the command of Colonel (afterwards General) Sumner, whose commands were given in the most cool and deliberate way, under the most trying circumstances, as the troops swept up the ascent at San Juan Hill. The bravery of Roosevelt was conspicuous as he led his command into action, while the troops under Generals Hawkins and Kent were skillfully manœuvered by their brave commanders.

The army lost in these engagements some of its best officers and bravest men. The total number present for duty June 30 was 858 officers and 17,358 enlisted men. From July 1 to 12, there were 22 officers and 222 enlisted men killed, and 93 officers and 1,288 enlisted men wounded.

The troops, with the assistance of the Cubans, continued to besiege the garrison, extending their line to the right until it reached the bay of Santiago, covering the Cobre road.

While the news of the results of the engagements was gratifying, the situation of the troops caused much anxiety, and the severe loss that had occurred rendered the situation serious. In fact, it is impossible to describe the condition of anxiety that existed in Washington at that time, and especially on the receipt of the following telegram:

"Playa del Este, July 3, 1898.
(Received Washington, 11.44 a. m.)

"The Secretary of War, Washington:

"We have the town well invested on the north and east, but with a very thin line. Upon approaching it we find it of such a character and the defenses so strong, it will be impossible to carry it by storm with my present force, and I am seriously considering withdrawing about five miles and taking up a new position on the high ground between the San Juan River and Siboney, with our left at Sardinero, so as to get our supplies, to a large extent, by means of the railroad, which we can use, having engines and cars at Siboney. Our losses up to date will aggregate a thousand, but list has not yet been made; but little sickness outside of exhaustion from intense heat and exertion of the battle of the day before yesterday and the almost constant fire which is kept up on the trenches. Wagon road to the rear is kept up with some difficulty on account of rains, but I will be able to use it for the present. General Wheeler is seriously ill, and will probably have to go to the rear to-day. General Young also very ill, confined to his bed. General Hawkins slightly wounded in foot. During sortie enemy made last night, which was handsomely repulsed, the behavior of the regular

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troops was magnificent. I am urging Admiral Sampson to attempt to force the entrance of the harbor, and will have a consultation with him this morning. He is coming to the front to see me. I have been unable to be out during the heat of the day for four days, but am retaining the command. General Garcia reported he holds the railroad from Santiago to San Luis, and has burned a bridge and removed some rails; also that General Pando has arrived at Palma, and that the French Consul, with about four hundred French citizens, came into his lines yesterday from Santiago. Have directed him to treat them with every courtesy possible.

SHAFTER, Major-General."

The following reply was sent, not only for the purpose of expressing appreciation of the heroic conduct of the troops, but to give all possible encouragement, with the assurance of speedy reinforcement:

"Headquarters of the Army,
Washington, D. C., July 3, 1898.

"General Shafter, Playa del Este, Cuba:

"Accept my hearty congratulations on the record made of magnificent fortitude, gallantry, and sacrifice displayed in the desperate fighting of the troops before Santiago. I realize the hardships, difficulties, and sufferings, and am proud that amid those terrible scenes the troops illustrated such fearless and patriotic devotion to the welfare of our common country and flag. Whatever the results to follow their unsurpassed deeds of valor, the past is already a gratifying chapter of history. I expect to be with you within one week with strong reinforcements.

MILES,
Major-General, Commanding."

The following reply was received:

"Headquarters Fifth Army Corps,
Near Santiago, Playa, July 4, 1898.

"Major-General Nelson A. Miles,
Commanding the Army of the United States, Washington:

"I thank you in the name of the gallant men I have the honor to command for the splendid tribute of praise which you have accorded them. They bore themselves as American soldiers always have. Your telegram will be published at the head of the regiments in the morning. I feel that I am master of the situation and can hold the enemy for any length of time. I am delighted to know that you are coming that you may see for yourself the obstacles which this army had to overcome. My only regret is the great number of gallant souls who have given their lives for our country's cause.

SHAFTER."

On July 3rd Cervera's fleet sailed out of the harbor of Santiago. It was not a challenge to battle, for Cervera knew the odds against him were overwhelming. On the contrary, it was a dash for life. For his plunge the Spaniard chose a most favorable moment, as he could have seen the flagship of the mighty fleet which

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environed him (and its fleetest) steam majestically toward the east, as Admiral Sampson had gone to meet General Shafter, as indicated in the above telegram, leaving Admiral Schley temporarily in command. The disposition of the vessels of our fleet had been well planned, and within three hours and forty minutes from the time of the appearance of the first vessel the whole Spanish fleet, consisting of four cruisers and two torpedo-boat destroyers, had either been sunk or were burning on the beach. Admiral Cervera and 76 other officers and 1,600 men were taken prisoners; 350 men were killed or drowned, and 160 wounded.

This gratifying victory settled what had been up to that moment the problem of the Spanish war in the West Indies, namely, the question as to the command of the sea. The inclosing of Cervera's fleet in Santiago Harbor was the only occasion for sending troops to that place at that season of the year. The general plan of campaign then was to first capture or destroy the fleet and then to capture the Island of Porto Rico.

The destruction of the Spanish fleet presented a new problem, especially in view of the fact that serious losses had been suffered by the army and of the possibility that further sacrifice might be required to reduce the garrison at Santiago, it being known that the army was liable to be decimated by disease at that season.

The situation at that time is indicated by the following telegrams:

"Playa del Este, via Haiti,
July 4, 1898, 11.50 p. m.

"Adjutant-General, U. S. A., Washington:

"Headquarters Fifth Army Corps, in camp near Santiago de Cuba, 4. There appears to be no reasonable doubt that General Pando succeeded in entering Santiago last night with his force, said to be about 5,000 men. This puts a different aspect upon affairs, and while we can probably maintain ourselves, it would be at the cost of very considerable fighting and loss. General Lawton reports that General Garcia, who was to block entrance of Pando, informed him at 10 o'clock last night that Pando had passed in on Cobre road. Lawton says cannot compel General Garcia to obey my instructions, and that if they intend to place themselves in any position where they will have to fight, and if they intend to reduce Santiago, we will have to depend alone upon our own troops, and that we will require twice the number we now have. I sent a message to Admiral Sampson, asking if he proposed entering the harbor so as to give us his assistance. Commodore Watson replies that he does not know Admiral Sampson's intention since the destruction of the Spanish squadron, but does not himself think fleet should try to go into harbor of Santiago. This, under the curcumstances, is not very encouraging. Have been expecting a division from Tampa and Duf-

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field's second brigade from Camp Alger, but only a small number of recruits has appeared so far. If we have got to try and reduce the town, now that the fleet is destroyed, which was stated to be the chief object of the expedition, there must be no delay in getting large bodies of troops here. The town is in a terrible condition as to food, and people are starving, as stated by foreign consuls this morning, but the troops can fight and have large quantities of rice, but no other supplies. There will be nothing done here until noon of the 5th, and I suppose I can put them off a little longer to enable people to get out. Country here is destitute of food and growing crops, except mangoes. Men are in good spirits and so far in good health, though it is hard to tell how long the latter will continue. I am sorry to say I am no better and, in addition to my weakness, cannot be out on account of slight attack of gout, but hope to be better soon. Lieutenant Miley had interview with Consuls this morning, and his report will be telegraphed immediately. I do not send this in cipher, as time is precious.

SHAFTER, Major-General."

"Playa del Este, via Haiti,
July 5, 1898, 1.10 a. m.

"Adjutant-General, Washington:

"Headquarters Fifth Army Corps, camp near San Juan River, 4. If Sampson will force an entrance with all his fleet to the upper bay of Santiago, we can take the city within a few hours. Under these conditions I believe the town will surrender. If the army is to take the place, I want 15,000 troops speedily, and it is not certain that they can be landed, as it is getting stormy. Sure and speedy way is through the bay. Am now in position to do my part.

SHAFTER, Major-General."

Three propositions were made from the War Department to the Chief Executive. The discussion of these propositions resulted in my writing two notes, which will be understood by what follows. The first was the following:

"Headquarters of the Army,
Washington, July 5, 1898.

"The Honorable, The Secretary of War:

"Sir: As the object for which the Army was sent to Santiago de Cuba has been accomplished, viz.: the forcing of the Spanish fleet out of the harbor and its destruction by the Navy, I deem the present time most favorable for proceeding immediately to Porto Rico. I consider it of the highest importance that we should take and keep that Island, which is the gateway to the Spanish possessions on the Western Hemisphere, and it is also important that our troops should be landed there as early as possible during this month. There are now about 4,000 men on transports at Key West, approximately 7,000 will soon be at Charleston, South Carolina, and there are already 20,000 at Santiago. If this force is not sufficient, the transports can return for more, if required.

Very respectfully,
NELSON A. MILES,
Major-General, Commanding."

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In the second note it was stated that an officer had volunteered "to take one of the transports now at Santiago, protecting it with material there, and with which several of the transports are partly loaded, and force it into the harbor of Santiago for the purpose of dropping dynamite cartridges and dragging for submerged mines or torpedoes. Any number of volunteers will be found ready for this service if required."

On learning that no one of the four propositions was definitely determined upon, and lest my views might be misunderstood, I sent, on the afternoon of the same day, the following letter:

"Headquarters of the Army,
Washington, July 5, 1898.

"The Honorable, The Secretary of War:

"Sir: I do not wish to be misunderstood in regard to my two notes sent you this morning. You informed me that you had three propositions to make in regard to Santiago. I replied that I would be glad if any one of them could be executed; and certainly no one could be more gratified than myself to hear that our Navy had entered the harbor of Santiago to silence the batteries that are now turned upon our brave officers and men. It so happened that on returning to my office one of my staff officers volunteered his services, without the least knowledge of what you had said to me, for the very enterprise which was suggested in one of your propositions, and I sent notice of this to you for your personal information.

"I also informed you that in case it should not be thought advisable to adopt the suggestions as indicated in your memorandum, I had another to suggest, having in mind at the time the language of General Shafter's dispatch of last night, referring to the number of troops required, viz.: "We will require twice the number we now have"; also, "If we have got to try and reduce the town now that the fleet is destroyed, which was stated to be the chief object of the expedition, there must be no delay in getting large bodies of troops here;" and also realizing the fact that much time would be necessary to get 20,000 more troops to that place, it occurred to me that should it *not* be thought advisable to continue operations against the garrison at Santiago, it would be a good time to move on to Porto Rico, the capture of which place seemed to me of great importance at this time.

"These notes were addressed to you with the expectation that if they were of any service and met your approval, you would make such use of them as you thought advisable, but not otherwise, and I request that this communication be forwarded to the President in order to dispossess his mind of what must be a misapprehension.

Very respectfully,
NELSON A. MILES,
Major-General, Commanding."

At a council of war held at the White House on the next day, the subject was seriously considered, and it was then decided that

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the garrison at Santiago must be destroyed or captured; and it was also decided that I should proceed immediately to Santiago and take such measures as would accomplish that object.

It was my purpose to land the troops that were then *en route* to Santiago on the west side of the harbor, within two and a half miles of Morro Castle, and I left with the assurance that I would have all necessary assistance from Admiral Sampson's fleet.

I left Washington on the 7th of July and reached Columbia, South Carolina, on the 8th, and thence proceeded by special train to Charleston, at which place I arrived on the evening of the same day and immediately boarded the swift steamer "Yale," the Atlantic liner, better known as the "Paris," which was already loaded with troops, ready to heave anchor, off the harbor and city of Charleston. She was accompanied and convoyed by the U. S. S. "Columbia," also carrying troops. At midnight these two fleet steamers headed for the south with all possible speed and arrived off the harbor of Santiago on the morning of July 11th, while the fleet there gathered was still bombarding the works near Santiago harbor. I immediately communicated with Admiral Sampson, apprising him of my purpose, and he promptly came on board the "Yale." I at once acquainted him with my plan of operation, in which he cordially acquiesced and signified his readiness to support me heartily in carrying it out. As soon as the necessary arrangements could be made for that purpose, I landed on July 12th, and proceeded to General Shafter's headquarters. A note was then sent to the General commanding the Spanish forces, informing him of my arrival and that I desired to have an immediate conference with him between the lines, to which he readily assented, fixing the time at twelve o'clock on the ensuing day.

Already, before leaving Washington, I had been made aware of the appearance of yellow fever among our troops in Cuba and the serious situation which that fact presented. On arriving there I found that the contagion had increased rapidly, and the importance of immediate and decisive action was abundantly apparent.

The meeting with General Toral between the lines on the 13th, under a flag of truce, was no less interesting than important. Several communications had passed between him and General Shafter in regard to the surrender of the garrison, and General Shafter had wired the Secretary of War to the effect that the entrance of our fleet into the harbor was necessary before he could expect a

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surrender. In the conversation with General Toral reference was made to his correspondence with General Shafter, the latter urging him to surrender his forces, and he (Toral) claiming that under the Spanish law he could not surrender so long as he had ammunition and food, of both of which it is well known he had a supply. Indeed, the very last ship to enter the harbor of Santiago before it was blockaded by our fleet brought a herd of cattle, which very materially increased the supplies already on hand. At the close of our conversation, I informed the Spanish Commander that when I left Washington, six days before, the decision of the Government had already been reached, that this portion of the Spanish army must either be destroyed or captured, and that the necessary force would be provided and used for that purpose; that I had brought strong reinforcements; and that if they were not sufficient more would follow in order to make sure of accomplishing the object stated. I also reminded him that he had already abundantly vindicated the honor of the Spanish arms in the defense which he had made. I pointed out that further resistance would be of no avail and would only result in unnecessary waste of life. Finally, I informed him that I would give him until the next morning at daylight to decide, and that it would be useless to expect any further delay. He earnestly represented that he could not in so short a time communicate with his Government; and recognizing the possibility of the truth of that statement, I extended the time until twelve o'clock, noon. The conference was then discontinued.

On my way back to camp I received the following telegram from the Secretary of War:

"Washington, D. C., July 13, 1898.

"Major-General Miles:

"You may accept surrender by granting parole to officers and men, the officers retaining their side arms. The officers and men after parole to return to Spain, the United States assisting. If not accepted, then assault, unless in your judgment an assault would fail. Consult with Sampson and pursue such course as to the assault as you jointly agree upon. Matter should be settled promptly.

R. A. ALGER, Secretary of War."

Thus, as will be seen, the matter was left entirely within my discretion. Immediately thereafter I communicated with Admiral Sampson, requesting him to have his preparations completed to cover the landing of troops at the point designated, Cabanas

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Bay, on the west side of the entrance of Santiago harbor, at twelve o'clock on the following day. I also gave direction to the Generals commanding the troops on board the transports to complete their preparations for landing their trooops at that time and place.

Early the following morning, accordingly, the ships of the fleet were in motion, converging to their designated positions, followed by the transports. This movement was observable from the Spanish lookouts, and information of the manœuver was speedily communicated to General Toral, some officers having reported to him that they could see fifty-seven vessels, some of which were loaded with troops. Before twelve o'clock arrived, the Spanish Commander sent the following letter:

"Santiago de Cuba, July 14, 1898.

"Honored Sir: His excellency, the general in chief of the army of the Island of Cuba, telegraphs from Havana yesterday at 7 p. m. the following: 'Believing that business of such importance as the capitulation of that place should be known and decided upon by the Government of His Majesty, I give you notice that I have sent the conditions of your telegram, asking an immediate answer and enabling you also to show this to the General of the American army to see if he will agree to await the answer of the Government, which cannot be as soon as the time which he has decided, as communication by way of Bermuda is more slow than by Key West. In the meanwhile your honor and the General of the American army may agree upon capitulation on the basis of repatriation (returning to Spain).' I have the honor to transmit this to you, in case you may (consider) the foregoing satisfactory, that we may designate persons in representation of himself, who, with those in my name, agree to clauses of the capitulation upon the basis of the return to Spain, accepted already in the beginning by the general in chief of this army.

"Awaiting a reply, I am, very respectfully, your servant,

JOSE TORAL, etc."

"General in Chief of the American Forces."

This was, as will be seen, in effect an acquiescence in the demands made upon him the previous day, and on meeting him under a flag of truce at the appointed hour, twelve o'clock, he said that such was his purpose, but under the Spanish rules it would be necessary for everything to be known and approved at Madrid, and that there was not the least doubt that his Government would confirm his action. His manner and frankness left no doubt of his sincerity, and I informed him that I would accept his assurance without reservation, which, as subsequent events proved, was made in good faith, greatly to the gratification of the troops who had taken part in the heroic struggle.

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The surrender included not only the garrison of Santiago, consisting of some 11,000 men, but the entire command of General Toral stationed at different points in the eastern part of Cuba, numbering in all 24,000 men.

The Cubans are entitled to at least a good share of the credit for these results, as they, and the United States marines landed near Guantanamo, were the only troops who had been contending against the troops not actually in the garrison at Santiago. Their action during the siege is indicated by the following letter:

"Near Santiago, Cuba, July 15, 1898.

"Dear General Garcia: I beg to congratulate you, as well as ourselves, on what seems now to have been a fortunate solution of the Santiago problem, resulting in the success of our combined forces in the taking of the city, the departure of the Spanish and the restoration of peace in Santiago.

"Permit me to say to you that your forces have performed most notable service and their work has been invaluable to us; not only in scouting and procuring information, but in the vital matter of the construction of trenches and defences for the investment of the city. Your people have accomplished an immense amount of this work with almost no appliances whatever and have cheerfully surrendered the use of them to our troops when the continuation of the investment rendered it necessary to move our regiments forward to the right.

"I make this statement, General, personally and not officially, because I am but a subordinate commander, but do so for the reason that I have been more closely in touch with your forces and have had better occasion to observe their work and the value of their co-operation than perhaps any other.

"I desire to thank you also for the service of General Sanchez and his troops, which were placed at my disposition, and I desire to commend General Sanchez to your favorable consideration. He has promptly and willingly complied with every demand I made on him, and has performed valuable service in extending our right flank to reach the cemetery and cover the Cobre road.

"I shall take another occasion to thank you for the innumerable personal courtesies that you and the officers of your command have shown me, and which, I hope to have an opportunity to repay in somewise hereafter.

"I beg to remain your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V."

Indeed, their part in obtaining the results should not be thus lightly dismissed. In my official report I have tried in some measure to do them justice. Since that report was submitted, I have seen the translation of a work published in Spain by the second in command of the naval forces of the Province of Santiago de Cuba, who was present within the beleaguered lines throughout

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the Santiago campaign, in which I find admissions greatly to the credit of our Cuban allies. But without these admissions from the enemy, the fact that these insurgents had for three years been steadily gaining ground against troops who had met ours at El Caney with such heroism, is sufficient vindication of their courage and fighting capacity.

I sent the following dispatch, and, later, issued the order which follows:

"Headquarters Cavalry Division, United States Army,
Before Santiago, Cuba, July 14, 1898—12.55 p. m.

"The Secretary of War, Washington, D. C.:

"General Toral formally surrendered the troops of his army corps and division of Santiago on the terms and understanding that his troops would be returned to Spain. General Shafter will appoint commissioners to draw up the conditions of arrangement for carrying out the terms of surrender. This is very gratifying, and General Shafter and the officers and men of this command are entitled to great credit for their tenacity, fortitude, and in overcoming almost insuperable obstacles which they have encountered. A portion of the army has been infected with yellow fever, and efforts will be made to separate those who are infected and those free from it, and to keep those who are still on board ship separated from those on shore. Arrangements will be immediately made for carrying out the further instructions of the President and yourself.

MILES,
Major-General, Commanding the Army."

"Headquarters of the Army,
Siboney, Cuba, July 16, 1898.

"General Field Orders, No. 1

"The gratifying success of the American arms at Santiago de Cuba and some features of a professional character both important and instructive are hereby announced to the Army.

"The declaration of war found our country with a small army scattered over a vast territory. The troops composing this army were speedily mobilized at Tampa, Fla. Before it was possible to properly equip a volunteer force, strong appeals for aid came from the Navy, which had inclosed in the harbor of Santiago de Cuba an important part of the Spanish fleet. At that time the only efficient fighting force available was the United States Army, and in order to organize a command of sufficient strength the cavalry had to be sent dismounted to Santiago de Cuba with the infantry and artillery.

"The expedition thus formed was placed under command of Major-General Shafter. Notwithstanding the limited time to equip and organize an expedition of this character, there was never displayed a nobler spirit of patriotism and fortitude on the part of officers and men going forth to maintain the honor of their country. After encountering the vicissitudes of an ocean voyage, they were obliged to disembark on a foreign shore and immediately engage in an aggressive campaign. Under drenching storms, intense and prostrating heat, within a fever-afflicted district, with little comfort or rest, either by day or night, they

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pursued their purpose of finding and conquering the enemy. Many of them, trained in the severe experience of the great war, and in frequent campaigns on the western plains, officers and men alike exhibited a great skill, fortitude, and tenacity, with results which have added a new chapter of glory to their country's history. Even when their own generals in several cases were temporarily disabled, the troops fought on with the same heroic spirit until success was finally achieved. In many instances the officers placed themselves in front of their commands, and under their direct and skillful leadership the trained troops of a brave army were driven from the thickets and jungles of an almost inaccessible country. In the open field the troops stormed intrenched infantry, and carried and captured fortified works with an unsurpassed daring and disregard of death. By gaining commanding ground they made the harbor of Santiago untenable for the Spanish fleet, and practically drove it out to a speedy destruction by the American Navy.

"While enduring the hardships and privations of such a campaign, the troops generously shared their scanty food with the 5,000 Cuban patriots in arms and the suffering people who had fled from the besieged city. With the twenty-four regiments and four batteries, the flower of the United States Army, were also three volunteer regiments. These, though unskilled in warfare, yet, inspired with the same spirit, contributed to the victory, suffered hardships, and made sacrifices with the rest. Where all did so well it is impossible, by special mention, to do justice to those who bore conspicuous part. But of certain unusual features mention cannot be omitted, namely, the cavalry dismounted fighting and storming works as infantry, and a regiment of colored troops, who having shared equally in the heroism as well as the sacrifices, is now voluntarily engaged in nursing yellow-fever patients and burying the dead. The gallantry, patriotism, and sacrifices of the American Army, as illustrated in this brief campaign, will be fully appreciated by a grateful country, and the heroic deeds of those who have fought and fallen in the cause of freedom will ever be cherished in sacred memory and be an inspiration to the living.

"By command of Major-General Miles:

J. C. GILMORE,
Brigadier-General, United States Volunteers."

The surrender having been definitely agreed upon, my first thought then was to put the troops into as healthful camps as possible and remove them from the danger of further infection from yellow fever; and also to as speedily as possible organize the expedition for the capture of Porto Rico, which I had been desirous of accomplishing for several weeks.

NELSON A. MILES.

(To be Continued.)

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PRESENT ASPECTS OF THE DREYFUS CASE.

BY JOSEPH REINACH.

I.

In the month of April, 1894, a secret agent of the War Department brought in a letter which he had abstracted from the German embassy. This letter enumerated certain documents which its author sent or offered to Colonel von Schwarzkoppen, the Prussian military attaché. The author of this letter, which was not signed, and which was called the *bordereau*, or memorandum, could only be an officer.

When the general staff obtained possession of this letter, they decided at once that the officer who had written it must belong to the general staff. More careful examination ought to have led to the conclusion that the traitor was an officer of the line.

The general staff instituted a preliminary examination; it consisted in examining the handwriting of the officers employed in the departments and comparing it with that of the *bordereau*.

On the fifth of October, the Minister of War obtained the assistance of Commandant du Paty de Clam, an officer reputed to possess some graphological knowledge. This officer was inclined to see spies everywhere, even in his own family. He was, moreover, a violent Anti-Semite. After an examination of two days, he affirmed that the *bordereau* was in the handwriting of Captain Alfred Dreyfus, a Jewish officer.

The chief of the bureau of information was a Colonel Sandherr, who was also an Anti-Semite: he died shortly afterwards of general paralysis. Sandherr welcomed du Paty's conclusions.

On the ninth of October, M. Gobert, an expert of the Bank of France, was appointed to make an examination. He concluded that the *bordereau* was not in the handwriting of Captain Dreyfus.

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This report, submitted on the morning of the thirteenth, did not suit Sandherr and du Paty. The documents were immediately sent to M. Bertillon, who was not an expert. The same evening he declared that the *bordereau* was the work of Captain Dreyfus.

In the afternoon of the thirteenth, Captain Dreyfus was invited to appear at the War Department, under pretext of a general inspection. On the fourteenth, the very next day, du Paty de Clam was appointed by the Minister of War as an officer of magisterial authority, empowered to hold a private examination. At the same time, the order was given to the superintendent of Cherche-Midi Prison to have a cell in readiness.

On the fifteenth of October, when Captain Dreyfus arrived at the War Department, du Paty dictated a letter to him, in which were enumerated the documents mentioned in the *bordereau*. Dreyfus wrote in his normal and most tranquil handwriting. However, du Paty, with wildly rolling eyes, accused Dreyfus of trembling. Then suddenly du Paty declared to him that his confusion was the proof of his crime, and had him arrested and taken to Cherche-Midi.

Du Paty de Clam then proceeded to make a minute search in the house of Mme. Dreyfus, to whom he had announced the arrest of her husband, enjoining secrecy under dire threats. This search was fruitless. Du Paty concluded that "everything that might have proved in any way compromising had been hidden or destroyed in time."

For two weeks Captain Dreyfus did not know of what he was accused. Du Paty came to see him in prison and insulted him. When Dreyfus protested his innocence, du Paty replied: "Abbé Bruneau said he was innocent, but he died on the scaffold."

Du Paty's methods were those of a Spanish inquisitor. One day, before going in to see Captain Dreyfus, he asked Commandant Forzinetti, the superintendent of the prison, whether he could not enter the cell with a lamp powerful enough to throw a beam of light in the Captain's face, so as to surprise and disconcert him. Another time, when he asked Captain Dreyfus an abrupt question, he kept his eye upon the point of the Captain's foot. Seeing it move, he concluded that this reflex action was a certain proof of guilt. He later related this experiment to the members of the Council of War, and they were led to question his sanity.

On the thirty-first of October, he submitted his report to the

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Minister of War. The latter had his doubts and hesitated to act in so grave a matter on such questionable evidence. Du Paty had recommended the most absolute secrecy. To force the Minister's hand, Commandant Henry published the arrest of the Jewish officer in the *Libre Parole.* Thus an Anti-Semitic campaign was set on foot. From the mere fact that the accused officer was a Jew, Drumont at once proclaimed him guilty. General Mercier surrendered to the threat of Drumont and Rochefort.

II.

Dreyfus was condemned not only on the strength of the *bordereau,* but still more on that of secret documents illegally admitted, which had no reference to him, and which had been communicated to the judges outside of the regular channels of accusation and defence. Then the unfortunate man was degraded and deported to Devil's Island.

Colonel Sandherr, the chief of the bureau of information, having been stricken with general paralysis, was replaced by Colonel, then Commandant, Picquart. In the course of the summer of 1896 Colonel Picquart seized a telegram from Schwarzkoppen, the German military attaché, to an infantry officer, a former pontifical Zouave, whose name is Commandant Walsin-Esterhazy. This telegram proved the treason of this miscreant, who had been in the pay of the German military attaché since 1892. Commandant Henry immediately informed Esterhazy.

Having compared Esterhazy's handwriting with that of the *bordereau,* Picquart discovered that Esterhazy was the author of the document on account of which Dreyfus had been condemned. The chiefs of the general staff, after having at first received Colonel Picquart's revelations with favor, soon selfishly shrank back from the work of reparation and justice to which that officer invited them. The former colleagues of Colonel Sandherr immediately endeavored, in all possible ways, to dissipate any doubts concerning Dreyfus that might arise in the public mind. On the fourteenth of September the *Eclair* published an article which gave in detail the private examination which had been conducted by du Paty, and the (incorrect) text of the *bordereau.* It also revealed the existence, and the admission as evidence, of a secret document in which the name of Dreyfus was infamously substituted for the initial "D. . ."

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Owing to the culpable weakness of the Minister of War, the general staff was able to induce him to dismiss Colonel Picquart, who had discovered Esterhazy's crime. At the same time, a counterfeit letter from the Italian military attaché to the German military attaché was sent to the Ministry. In it, Colonel Panizzardi recommended Colonel von Schwarzkoppen never to speak of their relations to the Jew Dreyfus. This letter was the production of a counterfeiter in the pay of Colonel Henry. The minister believed it to be genuine.

Colonel Picquart had no sooner left Paris, than the secret service of the War Department seized his mail. In one of the letters someone called "the demi-god" is mentioned. This meant Commandant Lallemand, who was known by this nickname in the society of the Countess de Comminges. Henry thought it referred to a chief of the "syndicate," some influential personage who co-operated with Colonel Picquart in bringing about a revision of the Dreyfus case. He immediately had another letter fabricated, which he signed with the name of "Speranza," and which ran thus: "Your sudden departure has thrown us all into confusion, the work is compromised; speak and the demi-god will act." (December 15, 1896). This letter, which was seized in the post office, was shown to the Minister as a proof of Colonel Picquart's intrigues; it was not sent to the person to whom it was addressed, who would have immediately discovered the fraud.

But du Paty and Henry were not to be relieved long from the fear of revision. In the month of October, 1897, they discovered that Scheurer-Kestner, a Republican Senator, had independently acquired proof of Captain Dreyfus' innocence, and that he was going to speak and act in behalf of the unhappy prisoner. Immediately the uneasy du Paty and Henry resumed operations. Their first care was to warn Commandant Walsin-Esterhazy, the real traitor. The latter, beside himself, rushed into the office of the German military attaché, and implored that officer to save him. "It will be enough," he said, "if you go to Mme. Dreyfus and state that her husband is guilty." The Prussian colonel answered: "Are you mad, Commandant?"

The infamous assistance which the traitor could not obtain from Colonel von Schwarzkoppen, was given him with increasing audacity by du Paty and Henry. When Esterhazy wanted to flee, du Paty and Henry detained him. Flight would mean confes-

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sion, and, consequently, a revision of the Dreyfus case, a breaking down of the principal work of the general staff, a discovery of their lies and forgeries. In order to allay Esterhazy's fears, du Paty, with Henry's assistance, took out one of the secret exhibits of the Dreyfus case from the iron safe of the War Department, and handed it to the traitor, that he might use it to exonerate himself. Du Paty related to him all he knew of Colonel Picquart's investigation. Esterhazy worked it up into a tale full of odious falsehoods and slanders of all sorts, which the *Croix* newspaper refused to publish, and which he caused to appear in his friend Drumont's paper with the signature of "Dixi." In it he related that he had been warned, not, to be sure, by du Paty and Henry, but by a veiled woman.

In the next place du Paty and Henry tried both to intimidate and to compromise Colonel Picquart. On the tenth of November, when as yet Esterhazy's name had not been publicly mentioned, du Paty instructed Esterhazy and a woman, named Pays, the traitor's mistress, to send Colonel Picquart a dispatch worded as follows: "Arrest demi-god, everything is discovered, affair serious." He believed or pretended to believe that "demi-god" (Commandant Lallemand) was Scheurer-Kestner. This telegram was also signed "Speranza."

As Esterhazy and the Pays woman had incorrectly addressed the despatch, sending it to Tunis, when Colonel Picquart was elsewhere, du Paty committed another forgery the same day. He telegraphed to the Colonel: "They have proof that the *petit bleu* was fabricated by Georges." The *petit bleu* is the document which had revealed Esterhazy's treason to Colonel Georges Picquart. The forger was already trying to spread the belief that this document was forged. He had signed the despatch with the name of Blanche, which is that of the Countess de Comminges. Mademoiselle de Comminges was a friend of Colonel Picquart.

These forgeries had for their object to make the Minister of War believe that Colonel Picquart was the leader of an infernal plot. The forgers caused the *Libre Parole*, one of the newspapers devoted to them, to relate that Colonel Picquart had received in Tunis some very compromising despatches from Scheurer-Kestner. These were the ones which they themselves had sent.

Colonel Picquart thwarted this villainy by immediately denouncing these despatches to the Minister of War. The Minister

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set on foot an investigation which proved fruitless, doubtless because he did not care to know the truth.

On November 15, 1897, Matthieu Dreyfus denounced Esterhazy as the author of the *bordereau* in a letter to General Villet. During the whole time of the Esterhazy trial, which followed Matthieu Dreyfus' accusation, Henry and du Paty de Clam did not cease advising and guiding the traitor in his defence. General de Pellieux, in conducting the trial, directed all his efforts against Colonel Picquart, who was guilty of having discovered the real traitor and of having denounced him to his chiefs.

At the same time the whole reactionary, clerical and Anti-Semitic, as well as an important part of the Socialist press, particularly Rochefort's *Intransigeant*, carried on a violent campaign against the courageous men who had undertaken the movement in favor of revision, and especially the scholars and men of letters, Duclaux, Grimaux, Paul Meyer, Anatole France and the "intellectuals." The *Figaro* published abominable letters which Esterhazy had addressed to Mlle. de Boulancy, in which he expresses his ardent desire to see Paris burnt and a hundred thousand Frenchmen massacred.

Minister Meline, dominated by the clerical party, likewise fought against revision in the Chamber of Deputies and in the Senate, as well as in the papers that were at his disposal.

By the advice of General de Pellieux, Esterhazy demanded a tral before a council of war. He was certain of being acquitted.

And the council of war, presided over by General de Luxer, did in fact acquit this knave.

III.

When matters had reached this point, Zola addressed to the President of the Republic an eloquent letter, in which he accused the general staff of complicity with Esterhazy. The Government prosecuted him before the Court of Assizes of the Seine.

This trial enabled the friends of truth and justice to shed some light on the mysterious sides of this horrible affair. Colonel Picquart related how he had discovered Esterhazy's crime. The monstrous illegality of condemning Dreyfus on the evidence of secret papers was likewise shown by the silence of Mercier, the former Minister of War, who did not dare to contradict the formal statement of Counsel Demange.

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Notwithstanding Labori's eloquent pleading, Zola was sentenced to one year's imprisonment. But the Court of Cassation annulled this judgment on technical grounds. Some time after, Zola was again brought before the Court of Assizes of Versailles on account of his letter to Felix Faure. But, being certain that the witnesses would not be able to speak freely on the subject of the Dreyfus case, he allowed himself to be condemned by default, and exiled himself temporarily by going to England.

Persecutions were next organized by the Government, against all the defenders of justice. Colonel Picquart was driven from the army; the great scholar, Grimaux, a professor in the *Ecole Polytechnique*, was dismissed; and I was deprived of my grade as captain in the territorial army for an article in the *Siècle*.

The revisionist journals, however, did not allow themselves to be intimidated, but continued the campaign with energy.

The general election had taken place in May. The new Chamber was as violently opposed to revision as the old one. The radical Ministry, presided over by M. Brisson, continued M. Meline's policy. Cavaignac, the Minister of War, then resolved to close the Dreyfus incident by a great speech, which he made in the Chamber of Deputies on July 7, 1898. He there not only declared Dreyfus to be guilty, as General Billot and M. Meline had done, but undertook to prove it. He based his argument, on the one hand, on the pretended confession by Dreyfus to Captain Lebrun-Renault, and, on the other hand, on a large number of documents, from which he selected three for the inspection of the Chamber. Of these three papers, two do not apply to Dreyfus. They relate to the civilian spy "D. . ." The third had been forged by Colonel Henry. By an almost unanimous vote the Chamber ordered this speech to be placarded.

In the meantime M. Bertulus, after a minute and complete investigation, had become convinced that the forgeries signed "Blanche" and "Speranza" had been committed for the purpose of injuring Colonel Picquart by Commandant Esterhazy, Madame Pays and M. du Paty de Clam, their accomplice. He consequently caused the arrest of Esterhazy and Madame Pays. M. Cavaignac immediately replied by arresting Colonel Picquart, whom he could not forgive for having answered his speech by sending a very respectful letter to the President of the Council and offering to prove before any competent tribunal that the paper read by M.

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Cavaignac from the platform was a forgery. Colonel Picquart was prosecuted for having communicated to his friend, M. Leblois, secret documents concerning the Dreyfus affair—which was untrue; and—which was true—for having asked his advice on comparatively unimportant matters concerning his service.

Colonel Picquart was, therefore, taken to the Prison de la Santé, as were also Esterhazy and Madame Pays. But he was destined to stay there longer than they. The power of the Government made itself felt, as Esterhazy said, for he and his mistress were set at liberty. The Court of Appeals did not ratify the order issued by M. Bertulus for bringing Esterhazy, Madame Pays and M. du Paty de Clam before the Court of Assizes. Colonel Picquart complained against this decree before the Court of Cassation. The judges of this supreme tribunal very sharply criticised the decree of the Court of Appeals, but they had no power to set it aside. After a long private examination held by Judge Fabre, Colonel Picquart was remanded to the Correctional Court.

IV.

The revisionists seemed now to be in a rather bad plight, when a clap of thunder came out of a clear sky, and with it a flash of light fell upon the mysteries of the Dreyfus case. On August 30th, Colonel Henry confessed that he had forged the paper which Colonel Picquart had declared to be a fabrication. On the thirty-first, he committed suicide.

And so the witness who most gravely incriminated Dreyfus in the trial of 1894, the bitterest adversary of Colonel Picquart in the Zola trial, had committed a forgery in 1896 to prove Dreyfus guilty! But is that all he had done? And if he had been driven to it by necessity, must it not have been because sufficient evidence against Dreyfus did not exist, and because Colonel Picquart had been right? Public excitement increased still more, when it became known that General de Boisdeffre had offered his resignation and that it had been accepted. From that moment revision was inevitable.

Notwithstanding Henry's confession, however, M. Cavaignac remained convinced that Dreyfus was guilty. He preferred to resign from the Ministry rather than undertake the revision with his colleagues. General Zurlinden, the Governor of Paris, and a personal friend of President Felix Faure, offered his services then

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to the President of the Council, that reparation might be made for the judicial error committed in 1894. At the first meeting of the Cabinet that he attended, he proposed to his colleagues measures looking toward a return of Dreyfus to France. But he soon changed his tone. He opposed revision with all his might. Rather than consent to revision, he gave up his portfolio as Minister of War, and declared in a letter to M. Brisson that he resigned because he was convinced of Dreyfus' guilt.

The revision of the trial was nevertheless imminent. Mme. Dreyfus had demanded it, and brought two new facts to the knowledge of the Keeper of the Seals: First, the disagreement between the experts of 1894 who had recognized Dreyfus' handwriting in the *bordereau*, and those of 1898 who had found it to be the (traced) handwriting of Esterhazy; and, secondly, Henry's confession, which cast suspicion on his testimony in the Dreyfus trial. After consulting with an advisory board attached to the Chancellor's office, which was equally divided, the Keeper of the Seals brought Mme. Dreyfus' demand officially before the Court of Cassation on the twenty-seventh of September. The revision was definitively pledged by M. Brisson, who acted then as a true and steadfast Republican.

To counteract this decisive step, and to weaken the effect of Henry's confession, the friends of Esterhazy made another attempt to disgrace Colonel Picquart. When the latter appeared before the Correctional Court, the substitute of the public prosecutor saw that it was necessary to wait for the Court of Cassation to clear up the Dreyfus case, before Colonel Picquart's conduct could be properly appreciated. He proposed, therefore, that Colonel Picquart's trial be adjourned *sine die*. But General Zurlinden decided immediately that Colonlel Picquart must be brought before a military tribunal.

He caused Picquart's transfer from the Prison de la Santé to the Prison du Cherche-Midi The prisoner was accused not only of offences under the law against spies, but of forgery; *i. e.*, that he had forged the *petit bleu* to ruin Esterhazy.

V.

The very day when the session of the Chambers was reopened, the Brisson Cabinet fell a victim to the vengeance of the Nationalists, who were incensed against M. Brisson for having begun

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the revision. But, if it was easy to overturn a Ministry, it was far less so to stop the work of the Court of Cassation. The most violent opponents, even, had to give up the attempt. In the three public hearings of the 27th, 28th and 29th of October, the Criminal Section, presided over by M. Loew, heard the report of Counsellor Bard, the address of Public Prosecutor Manau and that of M. Moruard, Mme. Dreyfus' counsel. The court then declared that the appeal could be received, and it was decided that the court itself would proceed with the case.

However, the new Ministry, presided over by Dupuy, was also very hostile to the work of justice. Felix Faure, the President of the Republic, supported their efforts by his own. When it became certain that the Criminal Section of the Court of Cassation was going to pronounce in favor of revision, Dupuy submitted a shameful bill to withdraw the case from this section, and bring it before the three sections of the Court of Cassation. This bill passed despite the brave resistance of the Senate.

Meanwhile, Felix Faure died suddenly. Revision lost its most cruel enemy. Loubet, the new President, is in favor of it.

On the day of Felix Faure's funeral the Nationalists tried to raise a riot. They were promptly arrested.

The *Figaro* then rendered an immense service to the cause of justice. By means which will be known later, it succeeded in obtaining the proceedings of the Criminal Section of the Court of Cassation and published them. They shed floods of light on this mysterious affair. The *Figaro* thus revealed the conspiracy of the general staff in the attempt to save Esterhazy. The famous secret file was laid bare: it contained no proof of any sort against Dreyfus. Esterhazy confessed his relations with Schwarzkoppen, pretending that he was engaged in counter-espionage.

The immense majority of the Republican party had now been converted to the cause of justice, by the unremitting campaign of the friends of truth.

When these lines appear in print, revision of the Dreyfus case will have been ordered by the Court of Cassation.

JOSEPH REINACH.

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THE PEACE CONFERENCE: ITS POSSIBLE PRACTICAL RESULTS.

BY A DIPLOMATIST AT THE HAGUE.

EIGHT months have elapsed since the appearance of the circular of Count Muravieff, inviting governments to the discussion of measures for the securing of peace. The impression produced was so strong, every one was so struck by it, that for a long time no definite opinion was heard. Now the position has changed.

At first general attention was attracted by the humanitarian side of the circular. The unsatisfactory state of existing international relations had been recognized for centuries. Great thinkers and philosophers had tried to alleviate the evil; rulers and even conquerors had sympathized with them theoretically, but now for the first time the voice of a powerful monarch summoned them to the realization of the first step in the great enterprise. The friends of peace thrilled with joy. "Then the idea is not a dream," they said, "it can be realized."

As usual, the enthusiasm went too far. No Utopian plan of immediate abolition of war was entertained by the Russian proposals. To diminish the present armaments, or even only to arrest their further increase; to remove as far as possible the useless cruelty of war; to facilitate the peaceful solution of any rising disputes—these were the ends desired.

Circumstances promptly showed how prudent was this moderation. There is no need to discuss here whether universal peace and the abolition of war are possible or not, but even if they were, humanity at present is not ready for them.

The humanitarian side of the circular soon lost the importance that was at first attached to it; and more than that, it became in many cases a weapon in the hands of the opponents of the under-

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taking. Its secret enemies delighted in talking loudly about it, in the hope that the realization of the proposed measures would thus be lost in words. Its open enemies put forward the axiom that fighting is an element of human nature, that war could not be abolished, and to try to accomplish its abolition would be beyond the sphere of practical politics or the functions of statesmen; it would be Utopia, the domain of dreams. So spake men of authority, whose opinion was of great weight. But *"tout le monde a plus d'esprit que M. Voltaire,"* and the public and the press did not blindly follow them. They recognized the difficulties of the enterprise and the impossibility of accomplishing much at one stroke, but persisted in appreciating the humanitarian side of the Russian proposals, which is so captivating to all unprejudiced minds. In addition to this, they saw the practical side and understood that at least a part of the proposed measures not only could be fulfilled, but are absolutely necessary in the face of existing international relations. This sentiment brought about the opinion, expressed at first tentatively, but during the last months with full certainty, that the result of the conference can and ought to be the development of the principle of arbitration in cases of international disputes.

The arbitrating tribunals have also their enemies. Many see in them an attempt against the sacred right of man to fight. Arbitration, they say, cannot be taken seriously. To its province belongs no question of national honor, or integrity of territory. Any dispute which might lead to war can never be submitted to a tribunal, and the questions which can be submitted to it are those in which a recourse to arms would never be necessary. To try to abolish war by means of arbitration is a Utopian idea to which no serious meaning can be attached.

In order to discuss the practical problems of the conference, there is no need to refute such opinions. Without injuring its case one can even admit that they are perfectly sound. In consequence of the vastness of the armies of the great Powers and the perfection of modern weapons, war has become so serious a thing that recourse to it is only made on quite exceptional occasions. But international relations are not regulated only by such cases. Questions constantly arise of very great importance, though not involving the national honor or integrity of territory. They have arisen at all times, but they have never presented the gravity they

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now do. There are two reasons for this. Formerly the questions were few, and were settled by a limited number of trained diplomatists and statesmen. Now the course of the life of nations has completely changed; international intercourse becomes more and more frequent and complicated; disputes arise more often, and, in their settlement, the whole nation, so to say—as represented by Parliament, meetings, press and even enterprising private men—takes part. The quietude of Cabinet negotiations is replaced by the clamor of public discussions. Is that for good or evil? It is difficult to say. The defenders of the new order of things affirm that the people are the best protectors of their own interests. It may be so, but such discussion by the masses contributes without any doubt to the arousing of passions, impedes the peaceful settlement of disputes, and causes a disturbance of friendly relations through what may have been at first only a paltry misunderstanding. Generally, it does not lead to war; but it usually unsettles for a long time the regular current of economical, commercial and political intercourse. Under unfavorable circumstances, the excitement can even turn a question of mere material interests into one of national honor, which will end in a recourse to arms.

This side of public discussion is unavoidable, and the wisdom of statesmen must consist not in deploring the past, or in sterile attempts to return to it, but in grasping the new situation and satisfying its exigencies. The new state of international relations requires a new instrument to regulate it. Such an instrument must be a regularly constituted international tribunal.

But, it might be replied, arbitrating tribunals already exist. From 1815, there have been more than 130 cases submitted to them. Let them work as before; the Conference has nothing to do here.

The answer is easy, because all students of the question know the deficiencies of the present arbitrating tribunals.

They are always freshly appointed for each individual case. When a misunderstanding arises, recourse to arbitration always presents the greatest difficulties, even after the efforts of diplomacy to arrive at a settlement have been in vain. To many this method of arranging international disputes seems extraordinary and even humiliating. When at last arbitration is decided upon, the appointment of the tribunal and the working out in each case of the mode of procedure occupy a long period of time, sometimes

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years, during which period the relations between the disputants become so strained, that even when a satisfactory agreement is arrived at, a return to the normal state of affairs comes slowly. In short, the present tribunals are a heavy, bulky mechanism very difficult to set to work.

The arbitrators appointed for one single case are diverted from their usual occupations, and unavoidably consider the case submitted to them as something temporary and casual, and devote to it only a part of their time. This leads to tardiness of procedure and protractions which prejudice even the principle of arbitration.

The sense of justice is inherent in man, but impartiality is given to few; the development of it requires training and education of character. A private person deciding a case between a fellow countryman and a foreigner, is in most cases unable to discard national sympathies and inclines to the side of his compatriot. A professional judge in any civilized country is above such inclinations, and without hesitation decides against his countryman if he be in the wrong. In the present arbitrating tribunals, impartiality is expected only of the presiding umpire; the members of the court, appointed by each side, are usually advocates for their country. It would be difficult for them to be otherwise than partial. When an international dispute commences to agitate a country, the future possible arbitrators do not usually suspect what task awaits them; they take part in the agitation, and when appointed are already imbued with preconceived opinions, to rid themselves of which is always very difficult. One can say even more than that: not only is impartiality not expected of the arbitrators, but there is little doubt that the public opinion of a nation would severely condemn its representative, whose decision would be contrary to the interests of his country.

Very naturally, the above mentioned deficiencies, as well as some others of minor importance, lessen the authority of arbitration and limit its application.

The task of the Conference is to remove these deficiencies, and even if it accomplish nothing else, it will have done a great work. For that purpose it has to do away with the present casual character of the international tribunals. It is indispensable that the Powers should arrive at an agreement as to the institution of a *permanent* international court, to which, with the mutual consent of the two sides, the rising dispute could be referred.

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This tribunal should be invested with the authority which ought to belong to an institution called upon to decide the disputes of nations. The members should be given a position identical with that of the greatest state dignitaries, and be chosen from among men of the highest morals, character and learning, well known to their own country and to other nations.

When once a permanent tribunal of such high authority exists, recourse to it will rapidly become a part of international morals; it will be quite natural to submit disputes to it which diplomacy is unable to settle. The false shame felt in referring to a tribunal will make way for a truer conception of things, and many cases in which prejudices are mistaken for national honor will be decided by the court. Only particularly important cases will form the exception.

There will be no more protractions resulting from a new appointment of a tribunal in each new case; rules of procedure will be established once for all, precedents and traditions will guide the court, no delays will take place in the hearing of the cases.

As to impartiality, the court will be under more favorable conditions than is now the case. In any dispute the greater part of the members will not be influenced by national interests; all of them being conscious of the sanctity of their task, and, trained by constant exercise of judicial functions, they will not allow themselves to submit to the influence of political passions.

It has been already mentioned that the permanent international tribunal would be referred to only by the mutual consent of the disputants. It is probably impossible at present for the Powers to arrive at a general agreement, binding them to have recourse to arbitration if only in certain classes of disputes. Such agreements between two countries have been made, but the opponents of obligatory arbitrating tribunals see in them the limitation of the sovereign rights of States. This argument can hardly be considered sound: the limitation in this case is not greater than in that of any international treaty, voluntarily concluded. But once such an opinion is found to exist, it must be taken into consideration.

But there is a second objection, which has a more secure foundation. To minor States obligatory arbitration will render possible, small judicial expenses only being risked, the raising of a number of claims which will conduce only to irritation, and will

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aggravate the relations between States. The knowledge that arbitration can be refused and that then the claims would have to be supported by arms, would certainly prevent unfounded pretensions being put forward.

It is obvious that the permanent tribunal will not interfere with, but will facilitate, the conclusion of separate agreements between States, defining the class of dispute in which reference to the projected permanent tribunal will be obligatory.

The number of the members who shall constitute the tribunal is a very important matter. Will it consist of a limited number of judges, for instance, three or five, or will all the great Powers, and in some way the minor States, be represented? If governments could agree to nominate in rotation a limited number of members, that would be preferable. To insist upon the court always consisting of nominees of all the Powers would be a proof of mutual distrust. In such a court the interest of every participant would be represented, and, in consequence, there would be an involuntary tendency for the judges to be converted into advocates for their own countries. The unavoidable result would be the formation of political groups and combinations, which would have the worst possible influence on the authority of the tribunal.

The constitution of the permanent tribunal will raise many other questions of minor importance. To solve them will be the task of the Conference. The requisite materials will not be wanting. Numerous peace societies and their congresses, professors and men of science have dealt with everything concerning the functions and sphere of international courts.

Once the tribunal is resorted to, the broadest jurisdiction can be given to it. Governments can refer their cases to it, upon the understanding beforehand that its decision must be submitted to. That will be ordinary arbitration. Reference can also be made to it with no such obligation: then the court will become a kind of adviser or mediator, whose decision may in some cases be disregarded by the disputants. But such cases would be quite exceptional, and probably very rare, especially when the court consolidates its authority. The moral power of international institutions and agreements is very great. A proof of it we saw even last year during the war between the United States and Spain, when both countries, although not parties to the convention concerning privateering, decided to be guided by its stipulations.

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The court, especially in the beginning, will take cognizance principally of cases of secondary importance, but with the increase of its authority its sphere of action will broaden, and on exceptionally grave occasions the number of its members, by the mutual consent of the parties concerned, could be increased by the addition of competent persons; and even a Sovereign or President of a Republic could be invited to assume the position of honorary umpire. Thus the permanent court, in accordance with circumstances, could, from a consulting body, rise to the importance of these solemn assemblies to which the decision of great international questions is confided.

The permanent court could, in the course of time, also undertake and guide the codification of international law. This problem is too vast and complicated to form part of the work of the Conference; it can only be dealt with by a permanent institution.

All that has been said about the jurisdiction of the proposed court shows that it does not interfere or come into collision with the present working of diplomatic relations; reference to the tribunal will take place only when diplomacy is unable to settle a dispute. To the province of diplomacy will also belong, as formerly, the mediation of a neutral State, or States, to which in some cases, before or after war, disputants have recourse. This mediation occupies quite a separate sphere, and in consequence of the importance of the interests involved, and the prudence required, is not subjected to any regulations.

To arrive at an agreement binding the Powers to have recourse to mediation before the commencement of hostilities would probably be impossible, the principal objection being, that the time necessary for mediation would be utilized by the unprepared side for completing its armaments.

All that has been said above shows that the institution of a permanent tribunal is not a Utopia. In the past it did not exist because there was no need for it. But formerly there were also no international bureaus at Berne, dealing with the telegraph, postal arrangements, railways and literary property, because from the international point of view these spheres of life did not exist at all or were in an embryo state. They appeared when the circumstances required them. The question of an international court is now in the same position. It is necessary, not for the definite abolition of war, but for the removing of irritating disputes,

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which are so dangerous in view of the increasing frequency of international intercourse, and which, under unfavorable circumstances, could even lead to useless wars. When the tribunal attains its full growth, decision by arms will remain only for questions of real national honor, integrity of territory, or problems of such importance as the fate of decaying States or the change of the political status of whole continents. As an example of the latter could be quoted the last wars of Prussia with Austria and France, when the edifice of the Holy Roman Empire was replaced by the new German Empire. Such questions can scarcely be settled by a tribunal so long as the present conditions of life in the world are not radically changed.

The importance that was attached to the idea of international tribunals in the Russian proposals shows that its realization ought to form the principal task of the Hague Conference, and that this problem should be its first consideration.

At the Conference the Russian proposals will meet with many secret and open enemies. All of them will affirm that the ideas of the Czar are sublime, but that they are an Utopia of which humanity does not merit the realization. These tactics will become impossible if the work of the Conference is begun by discussing the creation of an international arbitrating tribunal, and by placing this problem, not on the humanitarian ground of abolishing war, but on the practical one of aiming to satisfy the actual, urgent necessity of improving international relations. In this case the opponents will be expected to bring forward other arguments, and there are none.

The solution of this principal question will facilitate the humanizing of war. The results of the Geneva and Brussels conferences are known, as well as the objections to extending the application of their stipulations; but the time has come to take a further step in the direction of their aims.

When satisfactory results on the two parts of the Russian proposals are reached, the atmosphere at the Hague will be cleared, and the ideas regarding what is Utopian, and what a practical measure, will undergo a complete change. Then the discussion concerning the reduction of armaments, or at least, the arresting of their progress, if only for a certain period of years, will not look so impossible of success as it seems now.

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